

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

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IN THE MATTER OF THE  
CHEMICAL RECOVERY SYSTEMS  
SUPERFUND SITE, ELYRIA, OHIO.

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Continued deposition of

CAROL A. OLIVER

May 6, 2008
9:15 a.m.

Taken at:

Elyria City Hall
131 Court Street
Elyria, Ohio

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1 CAROL A. OLIVER, of lawful age,
2 called for examination, as provided by the
3 statute, being first duly sworn, as hereinafter
4 certified, said as follows:

5 EXAMINATION OF CAROL A. OLIVER

6 BY MR. NASH:

7 Q. Mrs. Oliver, I don't know if I can
8 pick up exactly where we left off. I can't
9 even remember where we left off, but let's go
10 back and talk a little bit more about your 09:25:13
11 employment at the site.

12 MR. NASH: If anybody around the
13 table recognizes that I'm asking a question
14 that's already been asked and answered, feel
15 free to point it out. I may inadvertently go 09:25:26
16 back over some ground we've already covered.

17 Q. You began working at the site, I
18 believe, in 1972 was your testimony?

19 A. Yes.

20 MR. WALLE: Excuse me. This is Jim

21 Walle. I don't know if the deposition has

22 started yet, but we really can't hear.

23 MR. NASH: Well, we'll try to

24 increase our volume, Mr. Walle.

25 MR. WALLE: Yes.

1 MR. NASH: Okay. We'll set it as

2 loudly as we can.

3 Q. I was starting to remind the

4 witness that she started there in 1972 working

5 for Mr. Obitts. Is that correct? 09:26:18

6 A. Yes, Russ and Dorothy Obitts.

7 Q. Russ and Dorothy Obitts.

8 And who else was working there that

9 you remember when you started the job?

10 A. Jim Jackson was the foreman. I 09:26:31

11 don't really remember any of the other

12 employees by name. Possibly if I looked at

13 records -- I know there were some truck

14 drivers. I don't know if they were exactly

15 there when I started or not. 09:26:56

16 Q. Can you mention the names of those

17 truck drivers that you do remember, whether

18 they were there when you started or whether

19 they were employed later?

20 A. I know there was a Don Matthews and 09:27:06

21 a Harry Jackson.

22 Q. Was he related to Jim Jackson?

23 A. It was his son.

24 Q. His son?

25 A. That's really all I remember about 09:27:29

1 Obitts Chemical Company.

2 Q. Who did you deal with on a daily
3 basis, at the site I mean?

4 A. You mean employees, who did I
5 interact with? 09:27:44

6 Q. Yes.

7 A. Basically, I worked with Dorothy
8 Obitts in the office, my first office job out
9 of high school, and she just trained me.

10 Q. And I think you gave us kind of a 09:27:56
11 run-down of the things that she trained you to
12 do. If you don't mind going back over that a
13 little bit so we can pick off where we left
14 off.

15 A. In the beginning it was just typing 09:28:09
16 invoices and recording sales, filing, just
17 office assistant type duties.

18 Q. Did you answer the phones?

19 A. Yes, I did answer the phones.

20 Scheduling. I did payroll. I did the truck 09:28:33

21 permits, truck taxes, scheduling.

22 Q. When you say "scheduling," what

23 exactly do you mean by that?

24 A. I would schedule the trucks for

25 deliveries and pickups. I didn't schedule the 09:28:56

1 work that was done at the site. I just -- you
2 know, if someone called in for a pickup, I
3 would just make sure that we had the correct
4 truck to be able to go pick it up. You
5 wouldn't send a 40-foot van if you needed to 09:29:15
6 get it in a tanker, so I just had to coordinate
7 what type truck you needed and then just get it
8 on the schedule.

9 Q. So would the person who called
10 asking for the pickup give you the information 09:29:27
11 that you needed to know, whether it was a
12 tanker that you'd be sending out or a van?

13 A. Yes.

14 Q. What would they say in a given
15 instance? 09:29:37

16 A. They would say that they have maybe
17 60 drums of dirty solvent to be recycled,
18 reclaimed.

19 Q. And would you then relay that

20 information to someone else at the site? 09:29:52

21 A. Yes. Usually Jim Jackson, as I

22 recall.

23 Q. He was a foreman, wasn't he?

24 A. Yes.

25 Q. Would he then assign the individual 09:30:04

1 driver who would go out and make the pickup?

2 A. Yes.

3 Q. And say you had a request from

4 somebody that I have 60 drums for pickup.

5 Would you then determine what truck would be 09:30:17

6 used or would Mr. Jackson do that?

7 A. We'd pretty much work on it

8 together. It's not like you had a whole lot to

9 choose from, so he pretty much knew what --

10 he'd say send tanker number seven or whatever. 09:30:38

11 Q. As you got used to the job, did you

12 become familiar with the people who were

13 calling? Did you recognize names, voices of

14 the individuals who called asking for pickups?

15 A. Yes, some of them. Some of the 09:31:01

16 repeat people we did.

17 Q. Who were those people?

18 A. You have to understand, this was a

19 very long time ago, and I really -- it's hard

20 to put a time frame, whether it was Obitts 09:31:30

21 Chemical or Chemical Recovery System, because

22 that whole decade sort of ran together.

23 I know there were companies like

24 Alsides and Dexter and Jamestown Paint &

25 Varnish, Glidden Paint, Sherwin Williams, 09:31:51

1 Uniroyal.

2 Q. Alsides, Dexter, Jamestown Paint &

3 Varnish. I think you mentioned Glidden and

4 Sherwin Williams. Am I missing any that you

5 mentioned there? 09:32:14

6 A. I mentioned Uniroyal.

7 There were a bunch more. I just --

8 without seeing them --

9 Q. I understand. But those do stick

10 in your mind as regular callers for pickups? 09:32:24

11 A. Yes.

12 Hauserman.

13 Q. Do you remember any of the

14 individuals who would call, like, you know,

15 somebody saying, "I'm Tom Nash. I'd like a 09:32:38

16 pickup at XYZ Corp," calling every Tuesday or

17 on a frequent basis?

18 I asked you back in your deposition

19 during November about a name, Don Caine, and

20 you hesitated about that, but then you said you 09:32:54

21 associated it with Wapakoneta, which was

22 interesting to me because of what I know about

23 that individual, and you indicated that they

24 were a fair -- Mr. Caine was a fairly regular

25 caller for pickups. You gave some examples of 09:33:08

1 the sort of thing that he would say in the
2 deposition you gave last November. So I was
3 wondering if there were other individuals whose
4 names you might recognize. I haven't got a
5 whole list of names to try. 09:33:25

6 A. I was going to say that if you had
7 a list of names, I could tell you if I
8 recognized them, but --

9 Q. We mentioned Mike Geregach, because
10 he showed up in the cash disbursements journal 09:33:36
11 as someone who received a payment for scrap
12 solvent for reclamation, and I told you we've
13 never been able to find Mike Geregach. I
14 didn't know if he was an individual brokering
15 on his own or if he was employed at a major 09:33:54
16 company somewhere. Sometimes when a name turns
17 up in the records like that, it will turn out
18 the name is actually the division of a company.
19 Sometimes it turns out it's just an individual

22 A. No.

24 Geregach?

25 A. No. No, I don't. 09:34:15

1 Q. R.O. Hull, was that an individual
2 or a company?

3 A. It was a company. I want to say in
4 Cleveland, but I'm not even sure of that.

5 Q. Where was Alsides located? 09:34:33

6 A. Honestly, I don't know. Akron
7 comes to mind, but I don't know if it was or
8 not.

9 Q. I'll note Akron as something you
10 recall in connection with Alsides. 09:35:01

11 Dexter, do you remember where you
12 would have to send a truck to make a pickup
13 from Dexter?

14 A. I think that was in Cleveland.

15 Q. How about Jamestown Paint & 09:35:12
16 Varnish?

17 A. Jamestown, PA.

18 Q. And Glidden?

19 A. I believe Cleveland.

20 Q. Sherwin Williams? 09:35:30

21 A. I believe Cleveland, but, again, I

22 don't know.

23 Q. How about Uniroyal?

24 A. Port Clinton.

25 Q. Now, these companies that you 09:35:45

1 mentioned, are you associating them
2 specifically with working for Russ and Dorothy
3 Obitts or are they just customers generally
4 during the time you worked there? I understand
5 the time you worked there was from 1972 to 1980 09:36:19
6 and that Russ and Dorothy -- or Dorothy was
7 gone after 1973 or four or so.

8 A. Yeah. I don't know. I don't know
9 the break-off. It's just the whole -- during
10 the time that I worked there I dealt with some 09:36:33
11 of those companies.

12 Q. Regardless of who was owning the
13 Chemical Recovery Systems operation at that
14 time?

15 A. Correct. 09:36:43

16 Q. My understanding from Dorothy's
17 deposition was that she told us that she stayed
18 on for a couple of weeks to help train
19 employees once Chemical Recovery of Michigan

20 had taken off and set up Chemical Recovery 09:36:58

21 Systems of Ohio, but there were a lot of new

22 people coming in at that time, weren't there?

23 A. Yeah. They had a few new people

24 come in.

25 Q. Who specifically? 09:37:11

1 A. Jim Freeman.

2 Q. Do you know where he worked before?

3 A. Ashland Chemical.

4 Q. And he came in to become -- what

5 was his title? He was the boss anyway? 09:37:27

6 A. He was the boss, yeah. I'm

7 thinking the president, but I don't really know

8 his title. I don't recall.

9 Q. I believe he does appear as

10 president of Chemical Recovery Systems of Ohio 09:37:46

11 on some of the documents we have, maybe some of

12 the documents you've identified.

13 Can you tell us anything about

14 Mr. Freeman, what he was like to work for?

15 A. A salesman. 09:38:00

16 Q. Salesman?

17 A. He was a salesman. He was very

18 easy to work for.

19 Q. Good people skills?

20 A. Yeah. Nice gentleman. Even 09:38:09

21 tempered. Salesman.

22 Q. And as a salesman did he grow the

23 business?

24 A. Yes, he did. Yeah. It did seem to

25 grow substantially after Jim took over. 09:38:35

1 Q. You were picking up from more
2 companies and delivering to more companies?

3 A. Yes.

4 Q. Did you have to hire new employees
5 to handle the extra work? 09:38:47

6 A. You know, that I don't remember. I
7 don't know if they added a driver or not. They
8 may have. It was -- I know that there was --
9 it just seemed like there was more activity
10 going on once they started, Chem Rec took over. 09:39:07

11 Q. Do you remember any new customers
12 that became customers of the site after
13 Mr. Freeman took over the operation?

14 A. Not specifically. I'm sure you
15 could look back through the records and see 09:39:41
16 what was new, but I don't remember.

17 Q. Was General Motors a customer at
18 the site when Mr. Obitts was running the
19 operation?

20 A. I don't remember. 09:40:10

21 Q. Do you remember General Motors as

22 being a customer of the site during the period

23 you worked there?

24 A. I think so, but I'm not one hundred

25 percent sure. 09:40:36

1 Q. Do you remember getting calls from,
2 say, General Motors Lordstown?

3 A. Oh, yeah, I do.

4 Q. Is it Lordstown that makes you
5 remember? 09:40:48

6 A. Yeah. GM Lordstown.

7 Q. It's in some of the records that
8 we've got.

9 Were they a regular customer, GM
10 Lordstown? 09:40:58

11 A. I do remember them as a regular
12 customer, yes.

13 Q. Relatively frequent?

14 A. I don't remember the frequency.

15 Q. Do you remember whether they sent 09:41:06
16 stuff in tankers or in drums?

17 A. Tanker comes to mind, but --

18 Q. Tanker comes to mind associated
19 with GM Lordstown?

20 A. Yes. But, again, this is a very 09:41:20

21 long time ago.

22 Q. I understand your recollection may

23 not be precise, but I'm willing to take

24 whatever recollection you have, however hazy it

25 may be. 09:41:31

1 A. I didn't recognize that it's
2 General Motors, but when you say GM Lordstown,
3 probably the same company, different niche in
4 my brain.

5 Q. There's all sort of associations in 09:41:41
6 the normal pathways.

7 What about Ford Motor Company, Ford
8 Motor of Lorain?

9 A. I don't remember.

10 Q. Don't remember whether they were a 09:42:01
11 customer or not? That's okay.

12 A. I don't remember.

13 Q. That's okay. You remember what you
14 remember. You don't remember what you don't
15 remember. Don't feel bad about it. It doesn't 09:42:12
16 matter to me whether you remember something or
17 not.

18 Let's see. What about James
19 Dabney?

20 A. The name sounds familiar. No clue 09:42:24

21 why.

22 Q. James Dabney of Detroit; Detroit,

23 Michigan?

24 A. I remember -- I remember seeing it

25 typed, but I don't -- 09:42:45

1 Q. How do you spell it?

2 A. D-a-b-n-e-y.

3 Q. Yes, that's right. I'd love to ask

4 you more about it, but I don't know where to go

5 with that so we'll just let that lay there. 09:43:00

6 How about Dow Chemical?

7 A. I remember Dow Chemical, yeah.

8 Q. Did you get calls for pickups from

9 Dow?

10 A. I believe so. I don't remember 09:43:19

11 what kind of product it was.

12 Q. Essex Chemical?

13 A. I remember that name, also.

14 Q. Dowell Division, D-o-w-e-l-l?

15 A. (Witness shaking head negatively.) 09:43:45

16 Q. Union Carbide?

17 A. I remember that.

18 Q. You remember Essex Chemical and

19 Union Carbide then?

20 A. Yes. 09:43:59

21 Q. I'm sure you remember Fisher Price

22 Toys?

23 A. I do.

24 Q. They were a regular customer?

25 A. East Aurora, New York. 09:44:07

1 Q. What about Hexcel?

2 A. I remember Hexcel.

3 Q. You remember Hexcel. Where were
4 they located?

5 A. Cleveland comes to mind, but, 09:44:20
6 again, I don't know. I don't know.

7 Q. I'm just making a note or two here.

8 Avery Label? Fasson?

9 A. Yes.

10 Q. Do you remember Fasson? 09:44:57

11 A. Yes.

12 Q. Do you know how to spell it?

13 A. F-a-s-s-o-n.

14 Q. And do you know where they were
15 located? 09:45:06

16 A. No, I do not.

17 Q. What about DuPont?

18 (Interruption.)

19 Q. I understand that you knew where

20 some of these companies were located, you 09:46:52

21 recognized locations when I mentioned the name.

22 In general, would you get that kind of

23 information when someone called for a pickup?

24 A. Yes.

25 Q. Either you knew it already or they 09:47:03

1 would provide it to you over the phone?

2 A. Right. That's exactly right.

3 Q. Where did the trucks go besides

4 Cleveland?

5 A. They would go to New York, 09:47:14

6 Michigan, Kentucky, West Virginia, I want to

7 say Indiana and Illinois; Kankakee, Illinois.

8 Q. What about Pennsylvania? You left

9 that out in your roster of states.

10 A. Yes, Pennsylvania. Did that one, 09:47:55

11 too.

12 Q. I thought I heard about trips to

13 Pennsylvania. In fact, you mentioned Jamestown

14 a minute ago.

15 A. I think you have to go through 09:48:07

16 Pennsylvania to get to New York.

17 Q. Yes, I believe you probably do.

18 A. Sorry.

19 Q. When the drivers were sent out to

20 make pickups -- I've often wondered about this 09:48:17

21 before -- would they be just going to one place

22 and then coming back or would they make a

23 couple of stops? Would they run up to New York

24 and pick up a half a vanful of drums and then

25 fill the rest of the van at another stop in 09:48:34

1 Pennsylvania on the way back?

2 A. They could do that, yes. We would
3 try and coordinate the pickup schedule so
4 that --

5 Q. You could save gas and time and 09:48:44
6 that sort of thing?

7 A. Absolutely.

8 Q. I wondered about that.

9 A. You might have a delivery here and
10 then pickup over here. 09:48:52

11 Q. You mentioned several states that
12 you sent the trucks to and I'm particularly
13 interested in a couple of them.

14 You mentioned West Virginia. Do
15 you know of any particular companies that 09:49:07
16 Obitts or CRS trucks picked up from in West
17 Virginia?

18 A. (Witness shaking head negatively.)

19 Q. Do you know who you would associate

20 with from West Virginia, "Hi, I'm so and so 09:49:20

21 from West Virginia"?

22 A. No.

23 Q. Maybe towns in West Virginia;

24 Hundred, West Virginia?

25 A. That sounds familiar. 09:49:38

1 Q. I never heard of it before myself.

2 A. Hundred, West Virginia.

3 Q. That sounds familiar to you?

4 A. I do remember it. I couldn't put a

5 name to the company. I just remember thinking 09:49:49

6 that's weird.

7 Q. Any other towns in West Virginia?

8 Any other places in West Virginia, companies?

9 A. No.

10 Q. Why did the trucks go to Kentucky? 09:50:01

11 What was in Kentucky?

12 A. I don't know. I just know I had to

13 do a fuel permit for it on occasion.

14 Q. A fuel permit, what's that?

15 A. Truck taxes, you have to pay tax on 09:50:18

16 the fuel used in different surrounding states.

17 Q. Who would you pay that tax to?

18 A. The State of Kentucky.

19 Q. So if you were traveling on

20 Kentucky roads, you had to pay sort of a use 09:50:35

21 tax to Kentucky for the privilege of sending

22 your trucks out over the Kentucky roads?

23 A. Yes.

24 Q. But you don't remember a particular

25 location in Kentucky where you sent the trucks? 09:50:53

1 A. No, I don't.

2 Q. How about Southwire? Not familiar?

3 A. (Witness shaking head negatively.)

4 Q. Okay. I thought I'd try that.

5 C&C Supply? 09:51:22

6 A. That sounds familiar. I do

7 remember them.

8 Q. Feel free to treat it as one big

9 word association game. If you have any

10 associated memory, just holler it out, whether

11 it makes sense or not.

12 A. I just remember either seeing that

13 or typing that, C&C Supply, on that IBM

14 Selectric typewriter.

15 Q. Is that the one that looks like 09:51:51

16 it's coming out in cursive script?

17 A. Yes.

18 Q. This was identified as EPA Exhibit

19 3 in your last deposition on November 15th,

20 2007. Is this the type face that you're 09:52:14

21 talking about here?

22 A. Yes.

23 Q. Was that the typewriter you were

24 using when you started, the IBM Selectric?

25 A. I believe so, yeah. 09:52:27

1 Q. Did you continue using the same
2 typewriter right through the time of your
3 employment there, or you have no idea maybe?

4 A. You know, it seems like we switched
5 somewhere, but that is the typewriter I 09:52:43
6 remember using the majority of the time.

7 Q. Well, we probably don't need EPA
8 Exhibit 3 for anything beyond the type face
9 there.

10 Do you remember PPG? 09:53:00

11 A. I remember the name PPG Industries.

12 Q. Do you remember specific locations
13 for PPG?

14 A. No.

15 Q. Do you remember getting calls for 09:53:28
16 pickups from PPG?

17 A. Right now I don't. I remember the
18 name PPG. I don't know -- I can't associate a
19 type product with it. PPG, without looking at

20 records, no, I don't. 09:54:11

21 Q. Do you remember General Tire?

22 A. I do.

23 Q. What do you remember about General

24 Tire?

25 A. That we did work for General Tire & 09:54:58

1 Rubber. I don't know --

2 Q. In your last deposition on November

3 15th of last year I had you look at a number of

4 entries from a cash disbursements ledger, and I

5 believe General Tire was represented in the 09:55:20

6 scrap solvent for reclamation line item.

7 Mr. William Hvisten, the attorney for General

8 Tire, asked you some questions about those

9 tires, also. I believe in Exhibit Number 3 we

10 were just looking at there, there were some 09:55:34

11 pickup General Tire entries, some of those

12 pages written by the IBM Selectric.

13 Do you remember anything about

14 where General Tire was located, the facility

15 that the CRS trucks picked up from? 09:55:51

16 A. No, I don't. If it was for

17 Chemical Service Corporation, Dorothy pretty

18 much handled those entries. On that piece of

19 paper I noticed, k that invoice that said

20 Chemical Service, R.O. Hull was on there. 09:56:19

21 Q. Yes. And there were entries from

22 General Tire there, too.

23 Was Chemical Service Corporation

24 the one that handled most of the solvents

25 associated with the rubber industry? I 09:56:31

1 remember Dorothy telling us that when they put
2 in the new still, which was to handle, I think,
3 solvents like acetone and hexane, that they
4 were dealing with a different group of
5 customers that they were servicing with that 09:56:50
6 still, and it seemed to be that they were
7 associated with the tire industry or with the
8 rubber industry generally.

9 A. That is not how I remember it.

10 Q. Okay. Tell me how you do remember 09:57:02
11 it.

12 A. What I do remember is the still --
13 the main still for Chemical Recovery or Obitts
14 Chemical Company was to process toluene,
15 xylene, MEK. 09:57:20

16 Q. Where was that still located?

17 A. And acetone. That was the one down
18 by the river, as I recall. And then there
19 seems like there was another still over to the

20 left somewhere that processed trichlorethylene. 09:57:30

21 I'm not a chemist. I don't remember what else

22 it processed, but more like dry cleaning

23 solvents kind of thing.

24 So it was my understanding that one

25 still did that type product, the other still 09:58:00

1 did the other type product, but I don't
2 remember specifically which companies went
3 where. The majority of what I dealt with was
4 the MEK, xylene, toluene, acetone through
5 Obitts Chemical Company. Dorothy pretty much 09:58:22
6 did the Chemical Service Corporation stuff.
7 And then after they changed ownership, I don't
8 remember even what happened with the other.

9 Q. Yes. After they've changed
10 ownership, did Chemical Recovery Systems of 09:58:38
11 Ohio run two separate companies as Obitts had
12 or did they all run through one company?

13 A. To the best of my knowledge, it was
14 all through one company.

15 Q. That's certainly my understanding 09:58:54
16 from the documents I've seen.

17 What about some of the other tire
18 companies? Goodyear? Do you remember
19 Goodyear?

20 A. I remember Goodyear. 09:59:19

21 Q. Do you remember getting calls for

22 pickups from Goodyear?

23 A. The majority of the companies that

24 called were for pickups. I don't know -- I

25 don't remember quantities. I don't remember if 09:59:36

1 it was in drums or bulk.

2 Q. Do you remember color?

3 A. Pardon me?

4 Q. Do you remember color?

5 A. Color? No. Dirty brown. 09:59:50

6 Q. I seem to recall that Goodyear

7 supplied the pink stuff.

8 A. Oh.

9 Q. Doesn't sound familiar?

10 A. No. I didn't usually see it. 10:00:00

11 Q. I thought I'd try you on the pink

12 stuff.

13 A. No. I didn't see it.

14 Q. B.F. Goodrich?

15 A. I know that we did work with them. 10:00:07

16 Q. Firestone?

17 A. I recognize the name.

18 MR. NASH: Well, I don't think I'll

19 try to carry on any further here. I think I'll

20 turn it over to the rest of the group to ask 10:00:41

21 you some of the questions they've got.

22 Matt, do you have questions you'd

23 like to ask?

24 MR. NAKON: No.

25 MR. NASH: Doug? 10:00:49

1 MR. McWILLIAMS: I do.

2 EXAMINATION OF CAROL A. OLIVER

3 BY MR. McWILLIAMS:

4 Q. My name is Doug McWilliams,

5 Ms. Oliver, and I represent the CRS Site Group 10:01:32

6 and I'd like to ask you some questions focused

7 on customers, similar to what Mr. Nash was

8 asking, but I'd like to take a different

9 approach.

10 I'd like you to tell me the various 10:01:44

11 ways that you became familiar with customers.

12 Based on your testimony earlier today, one of

13 the ways was to receive phone calls from those

14 customers; is that correct?

15 A. Correct. 10:02:00

16 Q. Tell me other ways that you became

17 familiar with customers and customers' names.

18 A. Okay.

19 Obviously it was the phone calls.

20 People would call and say, "Hey, I need a 10:02:11

21 pickup of this much here on this date." I

22 would take that message and pass that message

23 on to probably the foreman, you know, Dorothy

24 and Russ Obitts, let them know what was going

25 on, get it scheduled. Jim would schedule it 10:02:29

1 with -- the product to be run and then call me
2 or come into the office and say, "Hey, I have
3 this much ready. Get a hold of these people
4 and tell them that we can deliver it back to
5 them." 10:02:48

6 I would also type up the invoices,
7 so that would -- and there was usually a
8 shipping address and a billing address, so I
9 would have the customer contact name to call
10 and say, "Hey, we're going to bring this back 10:03:04
11 on this day." And then I would send out the
12 invoice. And when they paid it, I would
13 receive that check, record it in the proper
14 cash receipts journal, process the check
15 through. 10:03:20

16 Q. So it sounds like there are many
17 different ways that you became familiar with
18 customers and customers' names; phone calls,
19 scheduling, invoices, accounting records.

20 What I'd like to do is identify 10:03:45

21 categories of customers, and this is the way

22 I'd like to walk you through it: The most

23 frequent customers, the ones that contacted you

24 most often or for whom you would record

25 something most often, would those transactions 10:04:11

1 be once a week, more than once a week, once a
2 month, more than once a month? What would you
3 consider to be a frequent customer in
4 transaction frequency?

5 A. That's a tough one. I'll remind 10:04:27
6 you that this was how many years ago.

7 Q. I understand. It's been a long
8 time ago.

9 A. It's been a very long time ago.
10 I've had kids since then. Are you kidding me? 10:04:44
11 Oh, my goodness.

12 I honestly -- I don't remember
13 frequency. I know that there were repeat
14 customers and they would call in. To tell you
15 exactly what customer and how often they called 10:05:07
16 in, I don't know.

17 Q. But the most frequent of the
18 customers, would you hear from them once a week
19 or more than once a week?

20 A. No. Maybe once every couple weeks, 10:05:20

21 once a month.

22 Q. So the most frequent customers were

23 once or twice a month; is that fair?

24 A. I would think so, yes.

25 Q. Now, on the other end of the 10:05:39

1 spectrum, you'd have infrequent customers, and
2 I'd like you to characterize those. Are there
3 some that you would hear from once and never
4 hear from again?

5 A. Yes. There are also some that you 10:05:52
6 would hear from maybe every two or three
7 months. We used the stuff. It took us, you
8 know, three months to use it. It's here. Come
9 get it. Recycle it. Bring it back to us.

10 Q. So it sounds like we have three 10:06:10
11 categories of customers; the frequent customers
12 who you'd hear from one to two times a month,
13 and then those infrequent customers who you
14 might hear from once a year, and then in the
15 middle are the customers that you'd hear from 10:06:35
16 maybe every three months?

17 A. Yeah. Depending on what they were
18 doing and how often -- and how often they
19 needed that.

20 Q. So every three months, about four 10:06:46

21 times a year.

22 So what I'd like to do is walk you

23 through some customer names and I'll ask you to

24 identify the customer as being in one of these

25 three categories, whether it's a frequent 10:07:05

1 customer, based on your recollection, an
2 infrequent customer or somebody in the middle,
3 okay?

4 Airco Speer Electronics, do you
5 recall that being a frequent customer or an 10:07:24
6 infrequent customer?

7 A. I recognize the name. I don't
8 recognize it as a frequent customer.

9 Q. So then would it be infrequent or
10 moderately frequent? 10:07:55

11 A. I'd probably put it in the middle.

12 Q. American Chemsol?

13 A. American Chemsol? Is that the same
14 as Chemical Solvents?

15 Q. I don't know. 10:08:22

16 A. I don't know either.

17 Q. Do you recall American Chemsol?

18 A. No.

19 MR. McWILLIAMS: May I use your

20 copy of Exhibit 4, Tom? 10:08:37

21 MR. NASH: Sure.

22 Q. While we're pulling that one out,

23 Allegheny Label Company?

24 A. I remember an Allegheny Chemical

25 Company. I don't remember an Allegheny Label. 10:09:03

1 It could have been.

2 Q. What about American Marietta?

3 MR. NASH: Off the record.

4 (Discussion had off the record.)

5 Q. American Marietta? 10:09:33

6 A. I remember the name American

7 Marietta. I can't tell you frequency.

8 Q. In broad brush strokes, do you

9 consider them to be a frequent customer or an

10 infrequent customer? 10:10:15

11 A. You know, I don't even remember the

12 type product they had. American Marietta? I

13 remember the name. I don't know.

14 Q. I'd like to show you a copy of

15 Exhibit 4. This is July 1977. Do you 10:11:08

16 recognize this page or this ledger?

17 A. Oh, yeah.

18 Q. And what is this ledger?

19 A. This is the purchases journal, July

20 1977. 10:11:29

21 Q. I'll refer you to line 31 of the

22 ledger.

23 A. American Chemsol Corp.

24 Q. Is this your handwriting?

25 A. Yes, it is. 10:12:00

1 Q. Does this refresh your recollection

2 that American Chemsol was a customer?

3 A. Yes, it does.

4 Q. And does it refresh your

5 recollection as to whether American Chemsol was 10:12:11

6 a frequent or infrequent or moderately frequent

7 customer?

8 A. It doesn't. I'm sorry. I know it

9 is my handwriting. I remember -- I recognize

10 it, scrap solvent for reclamation. 10:12:31

11 Q. It's fair to say that it's at least

12 an infrequent customer, correct, if it's a

13 customer at all?

14 A. Yeah. American Chemsol?

15 Q. And this is a -- what's the month 10:13:00

16 reflected on this ledger?

17 A. July 1977.

18 Q. And I'm going to flip the page to

19 October of 1977, if we can, and I'd like you to

20 refer to line 29. 10:13:29

21 A. American Chemsol.

22 Q. So what does this ledger tell you

23 about American Chemsol?

24 A. That it was a repeat customer, and

25 from October -- July to October, probably three 10:13:47

1 or four times a year.

2 Q. Would that put it in the moderately
3 frequent category in your recollection?

4 A. Yes. I would have to look through
5 and see if there's any others. I would assume 10:14:04
6 you've already done that.

7 Q. What I'd like to do is go on to the
8 next name because there are many of them.

9 Aztec Chemicals, do you recall
10 Aztec Chemicals as a customer? 10:14:23

11 A. Yes, I do.

12 Q. Would you say that's a frequent
13 customer or an infrequent customer?

14 A. Once again, I recognize the name.
15 It's a -- but I couldn't tell you frequency. 10:14:45

16 It was probably moderate to frequent.

17 Q. Bacharach Instrument Company, do
18 you recall them as a frequent or infrequent
19 customer? What frequency?

20 A. What was the name again? 10:15:15

21 Q. Bacharach.

22 A. I -- that does not stick out a lot.

23 I sort of recognize it.

24 Q. Bacharach Instrument Company?

25 A. Yeah. 10:15:34

1 Q. Would it be an infrequent --

2 A. I would say infrequent.

3 Q. Bailey Meter Company; frequent,
4 infrequent or somewhere in between?

5 A. Infrequent. 10:15:52

6 Q. Ball Chemical Company?

7 A. I do remember Ball Chemical.

8 You have to also understand --

9 you're asking me frequency. This might have
10 been a customer for a two-year period of time 10:16:17
11 and then maybe they chose to do something else
12 so they're not a customer.

13 Q. I understand.

14 A. So if they were frequent this year,
15 it doesn't mean it was an ongoing thing. But I 10:16:27
16 do remember Ball Chemical as being a regular
17 customer.

18 Q. Would that be regular in the
19 frequent or moderately frequent category?

20 A. Moderately frequent, I would say. 10:16:39

21 Q. Beaver Paint Company?

22 A. Moderately frequent.

23 Q. Bethandale, does that name ring a

24 bell? It may also be under Gertenslager.

25 A. That one sounds a little more 10:17:17

1 familiar. I would probably have to say

2 infrequent. I don't remember it much, but --

3 Q. Okay.

4 Bison Corporation?

5 A. I remember that name. I don't know 10:17:53

6 if it was -- probably the middle category.

7 Q. So for Bison Corporation the middle

8 category, it's approximately four times a year,

9 moderately frequent, correct?

10 A. You know, again, I don't remember. 10:18:37

11 To look back here, you can probably figure it

12 out by the records, but I don't remember.

13 Q. But this is helpful.

14 Do you recall a name Bob Deckelman?

15 A. No. 10:19:01

16 Q. What about a customer Body

17 Brothers?

18 A. No.

19 Q. Buffalo Molded Plastics?

1 Q. C&C Supply we've talked about
2 earlier today. Would you describe them as a
3 frequent customer? This is the C&C Supply
4 associated with Don Caine.

5 A. Yeah, it seems to be. I -- again, 10:20:18
6 the memory is sketchy here, but I associate
7 that with Jim Freeman, and I -- probably
8 moderate.

9 Q. C.D. Cottrell, C-o-t-t-r-e-l-l?

10 A. Probably moderate to infrequent. 10:21:12

11 Q. Cameo, Incorporated, do you recall
12 them as a frequent or an infrequent customer?

13 A. Infrequent.

14 Q. Canton Wood Products?

15 A. Infrequent. 10:22:01

16 Q. Carmac Chemical?

17 A. I don't remember the product, but I
18 remember that name being more frequent.

19 Q. Would that be in the frequent

20 category then? 10:22:29

21 A. Probably.

22 Q. And frequent category is once or

23 twice a month or more.

24 Carter Oil Company?

25 A. Charter? 10:22:52

1 Q. Carter.

2 A. Don't know.

3 Q. What about Casper Foundry?

4 A. I probably don't know. Infrequent.

5 Casper? 10:23:27

6 Q. So is that an infrequent customer

7 or one you can't recall?

8 A. I remember the name of the company,

9 doing business with them. I don't remember

10 them being a frequent kind of thing. 10:23:45

11 Q. So that would be an infrequent

12 customer then?

13 A. Yes.

14 Q. What about Chautauqua Chemical?

15 A. Once again, I don't remember it 10:23:56

16 being a frequent type thing. Maybe a couple

17 times a year.

18 Q. A couple times a year. Why don't

19 we put it here under C.D. Cottrell, which is

20 somewhere between moderately frequent and 10:24:20

21 infrequent. Is that appropriate?

22 A. I think so.

23 Q. Checkmate Boats?

24 A. Checkmate Boats? No.

25 Q. I'm going to refer you again to the 10:24:41

1 Exhibit 4 and ask you to look at line 34.

2 Could you describe this page of the ledger for

3 me?

4 A. It's page ten of the purchases

5 journal dated August 1977. 10:25:17

6 Q. And line 34?

7 A. Line 34 is written to Checkmate for

8 \$320, expensed to column 11 for scrap solvent

9 for reclamation.

10 Q. What does that tell you about 10:25:32

11 Checkmate Boats?

12 A. That we purchased their dirty

13 solvent for reclamation.

14 Q. And that was August of 1977,

15 correct? 10:25:46

16 A. Yes.

17 Q. Can you tell the date, the specific

18 date in August?

19 A. The 22nd was the purchases -- the

20 purchase that was recorded. 10:25:59

21 Q. I'd like to refer you to line four

22 on the very next page.

23 A. Which is dated August 24th.

24 Q. And who is the vendor for that

25 line? 10:26:14

1 A. Checkmate.

2 Q. And what does the ledger tell you
3 about that transaction?

4 A. \$124, scrap solvent for
5 reclamation, expensed under column 11. 10:26:24

6 Q. So we have a transaction on August
7 22nd and again on August 24th?

8 A. Right.

9 Sometimes if there were two
10 different type products picked up on the same 10:26:39
11 day, one may have been -- there would be two
12 invoices for it because it's two separate
13 products.

14 Q. Okay. Do you recall whether
15 Checkmate Boats provided separate products? 10:26:52

16 A. No, I do not.

17 Q. I'd also like you to refer to the
18 December ledger -- and, again, this is Exhibit
19 4 of the Oliver deposition that we're looking

20 through -- on line 12. 10:27:26

21 A. Checkmate Boats, Incorporated.

22 Q. And what's the date of that

23 transaction?

24 A. December 7th.

25 Q. So we have two transactions in 10:27:39

1 August and one transaction in December so far.

2 Does that refresh your recollection about how

3 frequent a customer Checkmate Boats was?

4 A. You know, I see it on the paper.

5 It's my handwriting. I don't dispute it. I 10:28:04

6 don't remember. I'm sorry. I couldn't tell

7 you where this company is located. I don't

8 remember.

9 Q. Do you remember companies in

10 Bucyrus, Ohio? 10:28:19

11 A. I do remember there being a company

12 in Bucyrus, Ohio that we did business with.

13 Q. Do you know which company that

14 would be?

15 A. No. 10:28:29

16 Q. Could that have been Checkmate

17 Boats?

18 A. It could have been. Without seeing

19 the invoice, I don't put that together.

20 Q. We have three transactions over the 10:28:40

21 course of three months. Would you say we

22 should put Checkmate Boats in which category

23 with regards to frequency?

24 A. Is that consistent for the rest of

25 the year? 10:29:01

1 Q. I don't have all of that
2 information, but if you'd like to look through
3 the ledgers and make your determination on that
4 basis, you may.

5 A. Will you folks provide subsidiary 10:29:49
6 ledgers to go with these?

7 Q. What do you mean by a subsidiary
8 ledger?

9 A. It's the backup ledger that the
10 individual accounts for each of these would be 10:30:01
11 in it, so you would have an account for -- each
12 of those customers would have an account, T
13 accounts in them, with payments and -- you're
14 looking at me like I'm from another planet.

15 Come on here. 10:30:18

16 MR. NASH: Can I jump in here,
17 Doug?

18 MR. McWILLIAMS: Yes.

19 MR. NASH: I don't know if you want

25 record. 10:52:36

1 Q. I'd like to put in front of you
2 Exhibit 5, EPA Exhibit 5 from your previous
3 deposition. Can you describe for me what this
4 ledger is?

5 A. This looks like the accounts 10:52:53
6 payable subsidiary ledger for 1978. This would
7 be the page for Checkmate Boats, Incorporated
8 for the purchases in cash payments during the
9 year of 1978.

10 Q. And describe for me what this 10:53:28
11 ledger is used for.

12 A. The accounts payable subsidiary
13 ledger backs up the accounts payable general
14 ledger account, and in that it details all of
15 the purchases and payments made throughout the 10:53:47
16 year. This is what's called a subsidiary
17 account, and this particular page is for
18 Checkmate Boats, and this is showing the
19 various purchases and payments that were made

20 throughout the year. On February -- well, on 10:54:06

21 January 1st there was a balance brought forward

22 from the previous year of \$244. That payment

23 was made to them on February 10th of \$244. On

24 March 3rd there was a purchase made on -- which

25 would reference purchases journal page four, 10:54:28

1 for \$116; April 14th, a purchase made for \$304.

2 Q. Okay. I'll interrupt you there.

3 Can you tell from this ledger how

4 many times scrap solvent was purchased from

5 Checkmate Boats in 1978? 10:54:46

6 A. Yes. This would detail five

7 purchases made.

8 Q. So five purchases over the course

9 of a year. Will that refresh your recollection

10 with regards to whether Checkmate Boats belongs 10:55:03

11 in the frequent, moderate or infrequent

12 category for customer frequency?

13 A. Well, I would probably put it in

14 the moderate category then.

15 Q. Chemetron Process Equipment, do you 10:55:17

16 recall Chemetron Corporation as a customer?

17 A. I do remember them as a customer.

18 Q. Do you remember them as a frequent,

19 infrequent or moderately frequent customer?

20 A. I don't really remember. This 10:55:58

21 purchases journal shows that there was a

22 purchase made on April 4th, one for the year.

23 Q. Describe which page you're looking

24 at.

25 A. I'm looking at the subsidiary 10:56:29

1 ledger. It does not have a page number on it,
2 but it's for Chemetron Corporation detailing
3 the account activity for 1978. It shows a
4 balance brought forward from 1977 of \$896 and
5 the payment was made to them on February 10th 10:56:52
6 for \$896. The purchase was made on April 4th
7 in the amount of \$4,140.50 paid to them on June
8 28th.

9 Q. And does that help you determine
10 whether this was a frequent or infrequent 10:57:09
11 customer?

12 A. It does.

13 I do feel compelled to tell you
14 that just because it's in here, this was
15 definitely a transaction that happened and 10:57:25
16 money was paid for it. Sometimes people would
17 send chemicals in to be processed that we
18 didn't pay them for.

19 Q. Okay.

20 A. So if we didn't make a payment to 10:57:43

21 the company, we still processed the solvent and

22 sold it back to them, but we didn't pay them

23 for it. That might be useful.

24 Q. In that case would that transaction

25 also be reflected on this sort of a ledger? 10:57:59

1 A. No, because this is only detailing
2 your accounts payable activity.

3 MR. NASH: No transaction, no
4 recording.

5 A. If we didn't pay money for it, it 10:58:12
6 doesn't appear in this book.

7 Q. So if they paid you for processing
8 the solvent, it would be recorded somewhere
9 else?

10 A. Correct. Sales journal. 10:58:22

11 Q. And that would be a sales journal?

12 A. And then you would have an accounts
13 receivable subsidiary ledger detailing the
14 accounts receivable account. This is the
15 accounts payable. This is money going out. 10:58:34
16 That's money coming in.

17 Q. Got it. Thank you.

18 A. There should be another one of
19 these around somewhere.

20 MR. NAKON: I'm sorry to interrupt,
21 but did we resolve the issue of the subsidiary
22 ledger? Is that the one the witness was just
23 looking at because I saw it had the name
24 Chemical Corp on top?
25 Q. What is that ledger that you're

1 looking at?

2 A. This is the Chemical Recovery

3 Systems accounts payable subledger for 1978.

4 Q. So for Chemetron, based on the

5 information that you have in your recollection, 10:59:04

6 would you categorize them as a frequent or

7 infrequent customer?

8 A. I remember them doing repeat

9 business with Chemetron. This is showing two

10 transactions, one in the year 1978. So based 10:59:33

11 on that, one.

12 Q. So that would be infrequent?

13 A. Infrequent.

14 Q. Thank you.

15 Chemical Recovery Systems, Inc. Of 10:59:56

16 Michigan, in your recollection did they send to

17 the Ohio facility dirty solvent for

18 reclamation?

19 A. I don't remember Chem Rec of

20 Michigan sending stuff down here. It seems 11:00:29

21 like we sent product up there to be recycled,

22 but I -- I didn't really get too involved in

23 that.

24 Q. The company Chemical Solvents, do

25 you recall them as a customer and their 11:00:45

1 frequency?

2 A. I remember the customer name,

3 Chemical Solvents. Yes, we did work for them.

4 I don't remember frequency.

5 Q. Can you describe the ledger that 11:01:04

6 you're looking at now?

7 A. The subsidiary ledger again for

8 1978. I am looking at the Chemical Solvents

9 page in it, and the detail shows three

10 purchases made during the year, June 5th, June 11:01:37

11 13th, and December 4th, that purchases were

12 made from that company.

13 Q. Does that help refresh your

14 recollection regarding how frequent a customer

15 Chemical Solvents was? 11:01:55

16 A. Well, again, I'm not sure how to

17 answer that because there's two purchases here

18 in the same month and then nothing for six

19 months, so --

20 Q. I will show you Exhibit 6, which is 11:02:25

21 listed as the account payable for 1979, which

22 is the next year, correct?

23 A. Correct.

24 Q. I'm going to refer you to the page

25 with the heading Chemical Solvents, Inc. On 11:02:43

1 that page.

2 A. Okay.

3 Q. Is this also a T-ledger or

4 general --

5 A. This is a subsidiary ledger. 11:02:56

6 Q. Thank you.

7 A. And this is the Chemical Solvents

8 account page, and it details two purchases, one

9 on February 6th and then one on March 28th.

10 Q. Does that help refresh your 11:03:14

11 recollection regarding the frequency with which

12 this customer had transactions with the CRS?

13 A. Well, this looks like -- what was

14 it -- four or five purchases within a year,

15 January 5th of '78 to April -- no, to March of 11:03:53

16 '79, five purchases.

17 Q. So which category would you put

18 them in with regards to frequency?

19 A. I would put them in the middle

20 category. 11:04:17

21 Q. The moderate frequency,

22 approximately four times per year?

23 A. Four to five times per year, yeah.

24 Q. This is Chemical Solvents. What

25 about Chemical Stripping, does that sound like 11:04:35

1 a customer you recall?

2 A. When I hear that name, it makes me
3 think of the other still under Chemical Service
4 Corp.

5 Q. Do you recall frequency with 11:04:54
6 regards to them, whether they were a frequent
7 or infrequent customer?

8 A. Again, I didn't deal very much with
9 that company. I don't recall.

10 Q. But you do recall them as a 11:05:06
11 customer?

12 A. Um-hum. Yes.

13 Q. So is it appropriate, then, to say
14 it's a minimum and infrequent customer?

15 A. Yes. 11:05:24

16 Q. City Salvage, do you recall City
17 Salvage as a customer?

18 A. It doesn't sound familiar. The
19 name sounds familiar. I don't recognize it as

20 something that we did frequently, no. 11:05:52

21 Q. What about Frank Crobaugh,

22 C-r-o-b-a-u-g-h, does that ring a bell?

23 A. I recognize the name.

24 Q. What about Crobaugh Laboratories?

25 A. No. 11:06:08

1 Q. Dietz Barge Cleaning Services,
2 D-i-e-t-z, do you recall them as a frequent
3 customer, an infrequent customer or a
4 moderately frequent customer?

5 A. I don't. 11:06:32

6 Q. E.E. Zimmerman, how frequent a
7 customer was E.E. Zimmerman?

8 A. That sounds a little more frequent.

9 Q. From your recollection, would that
10 be a moderately frequent customer? 11:07:08

11 A. I don't remember.

12 Q. Do you remember them as a customer?

13 A. I remember the name E.E. Zimmerman.

14 I don't remember -- no. Yeah, they're a
15 customer -- they were a customer, but I just -- 11:08:01

16 there's probably a record on it somewhere that
17 says E.E. Zimmerman, but I don't know.

18 Q. Is it appropriate to put them in
19 the infrequent column since you've identified

22 Q. You've mentioned E.F. Hauserman or

23 Hauserman earlier today. Would you describe

24 them as a frequent customer?

25 A. I would probably describe them as a 11:08:30

1 more frequent customer.

2 Q. So is it appropriate for me to put
3 them under the one to two times a month or
4 more?

5 A. I think so. 11:08:41

6 Q. What about Ecology Chemical?

7 A. I don't remember. Infrequent I
8 would probably think.

9 Q. The name Edward Nemeth,
10 N-e-m-e-t-h, does that sound familiar to you? 11:09:30

11 A. Nemeth, but I don't know why I've
12 heard it.

13 Q. What about Erie Universal, Erie
14 like Lake Erie?

15 A. Infrequent. 11:09:51

16 Q. F.J. Egner or Henry Egner, does
17 that ring a bell?

18 A. That sounds remotely familiar.

19 Q. Do you recall them as a customer?

20 A. It seems like I've seen it 11:10:16

21 somewhere, yeah. I would think it would have

22 been a customer.

23 Q. What about Fischer Chemical

24 Company?

25 A. Is it F-i-s-c-h-e-r? 11:10:35

1 Q. Yes.

2 A. There's a recollection in here.

3 Q. And do you recall them as a
4 customer?

5 A. Yes. 11:10:58

6 Q. Do you recall them as a frequent
7 customer?

8 A. I don't recall.

9 Q. I'm going to refer you to EPA
10 Exhibit 13, Ms. Oliver. Could you describe the 11:11:25
11 page that I'm showing you of that exhibit?

12 What is the name across the top of the page?

13 A. First of all, this looks like an
14 accounts receivable subledger. This is the
15 accounts receivable subsidiary ledger. 11:11:49

16 Q. Is that what it is?

17 A. Yes. This is -- this is an
18 accounts receivable subledger, and the name
19 across the title of the page is Fischer

20 Chemical Company. A sale was made to them 11:12:07

21 referenced on February 9th, page 44 of the

22 sales journal, for \$390; May 5th again,

23 \$409.50; September 15th, \$273.

24 Q. Now, would these transactions be

25 sales? 11:12:33

1 A. This is sales.

2 Q. Of solvent?

3 A. Yes. I would think solvent, yes,
4 chemical materials.

5 Q. Would Fischer Chemical Company have 11:12:42
6 been buying their clean solvent back after
7 processing? Is that what this transaction
8 refers to?

9 A. It is virtually impossible to tell
10 what this transaction refers to without seeing 11:13:00
11 the invoice that backs up the sales journal.

12 Q. And how would that help you
13 determine that invoice?

14 A. Because on that invoice it should
15 detail what the product is that was sold to 11:13:13
16 them. It would either be virgin solvent or
17 recycled, reclaimed solvent. It could have
18 been -- it could have been chemicals that were
19 simply resold to them.

20 Q. Was the majority of your business 11:13:37

21 or the CRS business -- was the majority of that

22 business reclaiming solvents?

23 A. Yes.

24 Q. So the majority of transactions in

25 an accounts receivable ledger like this would 11:13:52

1 reflect reclaimed solvent that was processed by

2 CRS; is that accurate?

3 A. Yes.

4 Q. And there would be something on the

5 invoice then that would identify this as being 11:14:08

6 reclaimed solvent at the time it was purchased?

7 A. Correct.

8 Q. Does this help you determine the

9 frequency with which Fischer Chemical was a

10 customer for the purposes of categorization? 11:14:24

11 A. Not really, without knowing what

12 this product is. I don't know if this is

13 product that was recycled and sold back to

14 them. This isn't going to tell you. We didn't

15 necessarily pick it up from this company. 11:14:50

16 Q. In terms of frequency of just

17 transactions, would Fischer be a frequent

18 customer?

19 A. It's showing three sales in 1978

20 and three sales in 1979. 11:15:11

21 Q. So what category of frequency would

22 you assign to Fischer Chemical?

23 A. Moderate.

24 Q. Does the name Gary Crosby sound

25 familiar to you? 11:16:04

1 A. Gary Crosby?

2 Q. Gary Crosby.

3 A. No.

4 Q. What about Gordon Terminal Service?

5 A. The name sounds familiar, yes. 11:16:27

6 Q. Do you recall them as a customer?

7 A. The name sounds familiar. I don't

8 know what we did with them.

9 MR. WALLE: This is Jim Walle and

10 Cassandra Weaver. We're going to need to sign 11:18:29

11 off for now.

12 MR. McWILLIAMS: Okay.

13 MR. WALLE: We'll try and check

14 back later. Thanks. Bye.

15 Q. I'm going to refer you to EPA 11:18:43

16 Exhibit 5. Can you describe this ledger for

17 me?

18 A. This is the accounts payable

19 subsidiary ledger for 1978. It is the

20 subledger page for Gordon Terminal Service. On 11:19:05

21 that page, May 1st, 1978, reference by

22 purchases journal page seven was a purchase for

23 \$1,971.60; again, on June 5th, page nine,

24 purchase of \$1,081.20.

25 Q. Does that help refresh your 11:19:29

1 recollection with regards to how frequent a
2 customer Gordon Terminal Services would have
3 been?

4 A. It looks like a month apart, twice
5 that year. 11:19:53

6 Q. And what year was that?

7 A. 1978.

8 Q. Let me also refer you to EPA

9 Exhibit 4. What's the date of this ledger?

10 A. This is the purchases journal, 11:20:11
11 1977.

12 Q. Would you look at line six, please?

13 A. Gordon Terminal Service.

14 Q. Is that a transaction for dirty
15 solvent? 11:20:27

16 A. That's a purchase in 1977 for scrap
17 solvent for reclamation.

18 Q. What was the date of that?

19 A. July 5th.

20 Q. I'd also refer you to line 25 of 11:20:38

21 that same ledger.

22 A. Dated July 15th, scrap solvent for

23 reclamation, \$1,732.80.

24 Q. And line 26?

25 A. July 18th, Gordon Terminal Service, 11:20:56

1 \$1,455.60, scrap solvent for reclamation.

2 Q. Does that help refresh your

3 recollection with regards to how frequent

4 Gordon Services was a customer of a CRS entity?

5 A. That was showing the transactions 11:21:15

6 for the previous year, so I don't know if this

7 is a yearly thing.

8 Q. In terms of frequency, would you

9 consider them to be frequent, infrequent or

10 moderately frequent? 11:21:43

11 A. This looks like it was twice a year

12 for 1978, and I would have to look through here

13 and see what the frequency is for 1977.

14 Q. I'm looking to see if it refreshes

15 your recollection about how frequent a 11:22:27

16 customer. I understand that we can work

17 through the transaction records and determine

18 how many times Gordon Terminal Services has

19 been identified, but I'm wondering if it

20 refreshes your recollection about how frequent 11:22:43

21 a customer they would be in terms of large

22 categories; frequent, infrequent or moderately

23 frequent.

24 A. It does not. I'm sorry.

25 Q. Do you recall Harshaw Chemical 11:22:52

1 Company?

2 A. Yes.

3 Q. What do you recall about Harshaw

4 Chemical Company?

5 A. I don't recall processing solvent 11:23:10

6 for Harshaw Chemical. Harshaw Chemical had the

7 adjoining property, but I don't remember doing

8 any work for them or with them.

9 Q. What about Harchem, does that sound

10 familiar? 11:23:35

11 A. No, it doesn't. Harchem? I'm not

12 remembering that one.

13 Q. Were there any interactions between

14 Harshaw and CRS that you're aware of?

15 A. Some concern about the drain that 11:23:55

16 went down underneath the property.

17 Q. Tell me about that.

18 A. I only got one side of it, but it

19 was Chem Rec saying, "Hey, Harshaw is putting

20 stuff down that drain and it's going out under 11:24:31

21 the property."

22 Q. When you say, "Going out under the

23 property" --

24 A. Down to the river and being

25 discharged out to the river. 11:24:41

1 Q. So there was something being
2 discharged to the river. How did you know that
3 it was being discharged to the river?

4 A. Probably the foreman, Jim Jackson,
5 would come in and say, "Hey, blue stuff -- or 11:24:56
6 you got something coming out of this tube out
7 here."

8 Q. So it was colorful, that stuff?

9 A. That's his -- that's as much as I
10 remember. I don't remember ever going out to 11:25:09
11 look in it, but there was some concern as to
12 who put it down there. That's really all I
13 remember about it.

14 Q. Do you remember anything that was
15 blue being generated by CRS? 11:25:28

16 A. No.

17 Q. Or anything that was brightly
18 colored being generated by CRS?

19 A. I don't remember it, but I didn't

20 see it. You know, what I saw were 55-gallon 11:25:38

21 drums or a tanker hooked to a tractor-trailer

22 out front. I'd see little, clear chemical

23 samples in the lab. I'd see dirty, like

24 gray-brown, stuff in beakers in the lab, but I

25 didn't see -- 11:26:07

1 Q. Did you ever see anything brightly

2 colored in those beakers in the lab?

3 A. I don't remember. Nothing that

4 comes to mind, no.

5 Q. Were there ever any incidents where 11:26:16

6 Harshaw spilled material that came across the

7 property line?

8 A. I don't know.

9 Q. Do you recall recording any

10 transactions with Harshaw in your accounting 11:26:39

11 records?

12 A. I don't. I don't recall it, no.

13 I'm not going to say I didn't do it because if

14 it's in my handwriting, you know, in the course

15 of the stack of paperwork, I could have done 11:27:02

16 it, but do I recall it, no, I don't.

17 Q. Do you recall Hexcel as a customer?

18 I think you mentioned this morning that you

19 did.

22 customer?

24 MR. McWILLIAMS: I'm going to yield

25 the floor until this afternoon, if anyone else 11:27:50

1 would like to take the hot seat and ask some
2 questions.

3 Would anyone on the telephone like
4 to ask a question?

5 MS. SHUMWAY: Not right now. 11:28:12

6 MR. THIROS: I just have a couple
7 of follow-ups from Doug's questions there.

8 EXAMINATION OF CAROL A. OLIVER

9 BY MR. THIROS:

10 Q. With respect to Harshaw Chemical 11:28:24

11 Company, you stated that a gentleman by the
12 name of Jim Jackson would tell you about blue
13 stuff going into the river; is that correct?

14 A. Jim Jackson would be the yard
15 foreman and he would probably be the one that 11:28:48
16 would have come into the office to say, "Hey,
17 there's something" -- and he would have told
18 either Russ or Dorothy Obitts and I would have
19 just been in the room and heard it. He wasn't

20 specifically coming to me to do anything about 11:29:03

21 it.

22 Q. That was going to be my question.

23 Who else would have known about Mr. Jackson's

24 observation? Would he have gone to Dorothy and

25 other individuals with the company? Would they 11:29:15

1 have any understanding?

2 A. It would have been either Russ or

3 Dorothy Obitts, or Jim Freeman, if Jim were

4 the -- again, I don't remember time frames as

5 to when it happened or -- 11:29:28

6 Q. Anyone else other than those

7 individuals that you know?

8 A. Later on Bob Spears was also a

9 foreman there.

10 Q. Do you know if anyone from Obitts 11:29:51

11 ever contacted Harshaw Chemical about the

12 situation?

13 A. I think they probably did. I don't

14 know any names or anything at Harshaw. I don't

15 know. I don't know time frames. I don't know 11:30:15

16 years.

17 Q. Would it be likely Russell or

18 Dorothy Obitts that would have been the ones

19 making the contact?

1 Do you know if they ever reported
2 to the City or to the Ohio EPA or any
3 authorities the fact that this discharging was
4 going on?

5 A. I know that periodically the EPA 11:30:55
6 would show up there. I don't know who called
7 them or who was contacted. It seems like David
8 Long was the attorney for the company at the
9 time. I don't remember. I know firemen would
10 come through and do their inspections. You 11:32:02
11 know, they'd come in and then they'd walk out
12 white as a sheet hoping that nothing ever
13 happened there to blow Elyria off the map.

14 MR. GRAHAM: Thank you.

15 EXAMINATION OF CAROL A. OLIVER

16 BY MR. CLAY:

17 Q. I'm Darrell Clay. As we sit here
18 today -- and I know it's 30 years later and
19 we've talked about a lot of companies -- is

20 there a single company that stands out in your 11:32:42

21 mind as the biggest or the most important

22 customer that Obitts Chemical or CRS had?

23 A. I don't know that I could limit it

24 down to one particular customer. There are

25 names that I remember as, oh, yeah, we worked 11:33:05

1 for them, and I can only think that I remember
2 them because of frequency.

3 Q. Let me try to maybe redefine it for
4 you a little bit.

5 Based upon your familiarity with 11:33:23
6 the accounting records of Obitts Chemical and
7 the CRS, is there a customer or customers that
8 stand out in your mind as the ones that, had
9 they ceased doing business with Obitts or CRS,
10 it would have adversely affected the company's 11:33:41
11 operations?

12 A. Uniroyal comes to mind. Alsides.
13 Jamestown Paint & Varnish. These are companies
14 that -- I just remember these were repetitive
15 customers. The calls were more frequent. 11:34:04
16 Quantity-wise, I don't -- just because -- you
17 know, maybe this company only calls you once a
18 year, but they have 7,000 gallons versus this
19 company calls you monthly for two drums.

20 Q. Any others besides Uniroyal, 11:34:26

21 Alsides and Jamestown Paint & Varnish that fit

22 in that category that I described to you?

23 A. Fisher Price Toys, E.F. Hauserman,

24 Alsides, Firestone something or other. That's

25 probably not fair because this was a long time 11:34:51

1 ago. It's not to say that I remember everybody

2 because I don't.

3 Q. Fair enough. There might be

4 others, but those are the ones that come to

5 mind right now as we sit here right today? 11:35:10

6 Fair enough?

7 A. Yeah.

8 And, once again, if I reviewed

9 records, maybe it would spark something in

10 here. I don't know. 11:35:21

11 Q. We talked about this back in

12 November, that the types of accounting and

13 financial records we've looked at that show

14 gross dollar amounts don't tell you anything

15 about gallons or price per gallon; is that 11:35:36

16 correct?

17 A. That's correct.

18 Q. I think you mentioned it this

19 morning, you need the actual transactional

20 invoices? 11:35:47

21 A. You do.

22 Q. Right?

23 A. You do.

24 Q. Because without that, you don't

25 know whether it was a thousand gallons at a 11:35:52

1 dollar a gallon that generated a thousand

2 dollar entry or 10,000 gallons at ten cents a

3 gallon, right?

4 A. Correct.

5 Q. Thanks. 11:36:02

6 A. I wish it was that easy, you know,

7 but it isn't.

8 You asked me earlier, last fall,

9 you know, what is the percentage of, if a

10 person brought you 5,000 gallons, how much 11:36:20

11 would be recycled out of that. And, again, it

12 depends on the customer, their application, how

13 dirty was this batch compared to the batch last

14 week or last month. There are just so many

15 variables in there. Sometimes you might get a 11:36:39

16 60 percent recovery rate. Sometimes you get

17 30. Sometimes you get 70. It just depends on

18 what was in it.

19 Q. The workers that operated the

20 stills or the recovery units themselves, do you 11:37:00

21 know if they maintained any kind of daily or

22 other frequency ledger or laboratory notebook

23 or any kind of record of what they were doing,

24 what they were processing; oh, I put in 5,000

25 gallons, I did these steps, I got 4,900 back 11:37:21

1 out? Were there any kind of records like that

2 maintained at the stills?

3 A. I don't think you have a clue of

4 what you're dealing with here.

5 Frequently when people would come 11:37:39

6 in to apply for a job, I would have to witness

7 their signature because they couldn't write.

8 It was amazing to me, even back in 1972, that

9 there were people in the world that couldn't

10 sign their name. I mean, you can drive a car. 11:38:01

11 But that -- some of the employees, that was

12 their levels. Not all of them. Some of

13 them -- obviously some of them could.

14 As for documentation as to how

15 much, yeah, there was probably some sort of 11:38:29

16 column on a legal pad somewhere that they've

17 processed this one in and this came out. By

18 the time that sheet got out of the still room,

19 it might not have been recognizable. You know,

20 with drips and dirt and lunch and cigarette 11:38:50

21 butts all over it, who knows what you're going

22 to get back in the office.

23 MR. CLAY: I don't have any more

24 questions for you right now.

25 A. If they exist, I wouldn't be too 11:39:09

1 hopeful on sorting it out. The recordkeeping

2 just wasn't that fine-tuned as that.

3 EXAMINATION OF CAROL A. OLIVER

4 BY MS. WHITBY:

5 Q. And I just have a couple of 11:39:29

6 questions.

7 We've talked about a lot of

8 companies this morning and you've been

9 recalling whether they were a customer and

10 whether they were big or small -- I mean 11:39:38

11 frequent, infrequent or moderately frequent.

12 When you say "customer," do you mean a customer

13 of someone who sent solvents to the site for

14 reclamation and recycling or do you mean

15 customers who bought stuff without sending it 11:39:59

16 or both?

17 A. It's very difficult for me to

18 remember what category customers fit into. The

19 majority of the work was we would pick up their

20 dirty solvent, recycle it and send it back to 11:40:26

21 the same company. Sometimes we would pick up

22 dirty solvent from various different places,

23 run it through and sell it as recycled solvent

24 to a different company. I don't recall. I

25 mean, I wasn't the one that put the drums into 11:40:51

1 the tank to know which got mixed with what.

2 Q. Are there any customers that you

3 recall as only purchasing and never sending

4 stuff to the site? These are folks that never

5 had dirty solvent. All they used either Obitts 11:41:10

6 or CRS for was as a source of clean, whether it

7 was virgin or reclaimed, clean solvents.

8 A. I don't recall.

9 Q. So nobody stands out in your mind

10 as having never sent anything to the site? 11:41:29

11 A. No.

12 Q. Changing gears completely, in the

13 course of doing your payments, do you recall

14 ever paying for off-site disposal of stuff that

15 came in from someone that was just too dirty 11:41:48

16 for even CRS to process? Was there stuff that

17 came to the site and didn't get handled at the

18 site, just then went away?

19 A. It was my understanding that yes,

20 that did happen. 11:42:08

21 Q. Do you recall anybody specifically,

22 any names of any customers for whom that

23 happened to their chemicals?

24 A. No, I don't. I don't. And

25 sometimes they might not have known that -- 11:42:21

1 Q. Right.

2 A. -- when they picked it up; only

3 until they opened that drum and found out that

4 it's solid except for eight inches on the top

5 or something. I don't. Sorry. 11:42:33

6 MS. WHITBY: Those are the only

7 questions I have.

8 EXAMINATION OF CAROL A. OLIVER

9 BY MR. NAKON:

10 Q. I have a couple, if you don't mind. 11:42:44

11 Forgive me, Ms. Oliver. I wasn't here in

12 November and I'm not going to ask many

13 questions. I just really want to follow up on

14 a couple of things that were asked.

15 I believe there was some discussion 11:42:57

16 earlier about a company called Fischer and you

17 were being asked about a ledger that you

18 referenced as this is an accounts receivable

19 ledger, meaning that they bought something from

20 you. And at that time you said from that 11:43:10

21 record you couldn't tell whether or not they

22 purchased -- what the product was they

23 purchased, whether it was virgin solvent or

24 whether it was reclaimed solvent. Do you

25 remember that discussion? 11:43:25

1 A. I do.

2 Q. The record you were looking at, if

3 we see a company's name in only an account

4 receivable record, never in an accounts payable

5 record, is there any conclusion that we can 11:43:34

6 draw from that as to whether or not they

7 brought product to the site?

8 A. Let me think about that. My

9 initial response is no, because if we paid the

10 company to bring -- for their dirty solvent, to 11:43:52

11 recycle, to sell back to them, then it would

12 show up in the accounts payable.

13 Q. Correct.

14 A. If they simply brought their stuff

15 into us or we picked it up, we hauled their 11:44:14

16 dirty stuff into the site and processed it and

17 sold it back to them, they still brought the

18 stuff in. We just simply didn't pay them for

19 it. We recycled it and sold it back to them at

20 a lesser cost than if they purchased new. So 11:44:30

21 they supplied the product, we recycled it and

22 sold it back to them for the service fee of

23 recycling.

24 Q. And the only way we'd know that,

25 then, is if we actually had the invoice, 11:44:43

1 correct?

2 A. Pretty much.

3 Q. Did I understand that clean

4 solvents, virgin solvents I believe is the

5 term, were also sold from the site? 11:44:57

6 A. That's two categories. Virgin is

7 has never been used before.

8 Q. I meant virgin.

9 A. Yes. Not much. That happened

10 after Chemical Recovery took over. That was 11:45:13

11 Jim Freeman.

12 Q. The last thing I want to make sure

13 I understand is what you referred to as the

14 subsidiary ledger. Was that a completely

15 separate bound volume? 11:45:33

16 A. Yes.

17 Q. And, essentially, what that would

18 show is each company's history for a year?

19 A. Yes.

20 Q. And would that show whether 11:45:41

21 products were brought in and what was paid for

22 the product or is that only an accounting

23 ledger?

24 A. It is an accounting ledger. If we

25 paid them for it, then it would show up in that 11:46:00

1 accounts payable subledger. If they -- if we
2 didn't pay them for it, there's no need for it
3 to be in the accounting ledger. It would have
4 just gotten recorded onto the inventory sheet.

5 Q. And if I understand those ledgers 11:46:18
6 correctly, that's alphabetical, company by
7 company, throughout the course of an entire
8 year, right?

9 A. Yes. And then you should have a
10 page that will say like miscellaneous M's or 11:46:29
11 miscellaneous S' or whatever, but the major
12 companies always have a page for their own.

13 MR. NAKON: Thank you. I don't
14 have anything more.

15 EXAMINATION OF CAROL A. OLIVER

16 BY MS. HUGGINS:

17 Q. I have a couple of questions.

18 You talked a little bit about

19 Jamestown Paint & Varnish today. Do you have a

20 sense of the time frame during which Jamestown 11:46:50

21 Paint & Varnish is in your memory as a

22 customer?

23 A. I don't necessarily have a sense of

24 time frame other than it was a long-term

25 customer. 11:47:05

1 Q. Can you distinguish between whether
2 it was during the Obitts time frame or the CRS
3 time frame?

4 A. I believe it was both, but without
5 looking back at the records, I don't know for 11:47:14
6 sure.

7 Q. So what is your current
8 recollection based on, just your memory of --

9 A. Just pictures in my mind of
10 invoices that were typed. It's definitely not 11:47:35
11 concrete here. It's -- I remember dealing with
12 the name, and I associate it with Dorothy
13 Obitts and I also associate it with Jim
14 Freeman, so that tells me that it was both.

15 But the time frame, I don't know how long they 11:48:03
16 were involved with them. I don't know.

17 Q. Do you remember anything about the
18 types of transactions?

19 A. No, I do not.

20 Q. And you said that your memories are 11:48:13

21 based on frequency of dealing with the company

22 and not based on volume; is that right?

23 A. Correct.

24 Q. Do you have any recollection of how

25 product was brought into CRS from Jamestown 11:48:27

1 Paint & Varnish?

2 A. Not without looking at records I
3 don't, but -- drums come to mind, but I don't
4 know. I certainly wouldn't put my life on it.

5 I don't know. 11:48:47

6 MS. HUGGINS: Okay. Thanks.

7 MR. THIROS: I have a couple of
8 questions, too.

9 FURTHER EXAMINATION OF CAROL A. OLIVER

10 BY MR. THIROS: 11:49:01

11 Q. Would there be transactions with a
12 customer that would not be reflected in the
13 accounts receivable or accounts payable?

14 A. No, I don't think so, because we
15 either paid them for their dirty solvent or we 11:49:19
16 charged them for selling them either recycled
17 or clean solvent.

18 Q. So it would be reflected in the
19 records?

22 were not sold that much, it happened when

24 A. Um-hum.

25 Q. When was that? 11:49:46

20 pickups occurred? 11:51:02

21 A. I don't.

22 Q. The accounts receivable and

23 accounts payable records, do they indicate the

24 specific type of transaction that occurred, the

25 nature of the transaction? 11:51:21

1 A. If we purchased their dirty
2 solvent, then it would be expensed over in the
3 scrap solvent for reclamation column.

4 Q. What exhibit are you looking at?

5 A. Let's see. This would be EPA 11:51:40

6 Exhibit 4. It's cash disbursements -- well,
7 cash payments and purchases journal 1977.

8 Basically, what you're looking at

9 in the purchases journal is it lists the total

10 invoice amount and then whatever company or 11:52:02

11 whatever the expense was. It could have been

12 buying gloves, you know, for the workers,

13 whatever. Whatever it would be, it would be

14 expensed over here into the expense accounts,

15 which would then be posted to the general 11:52:20

16 ledger. All of these expense accounts add up

17 to your basic accounts payable column over

18 here. So if it's in this column, it tells you

19 over here this is what it was used for. Column

20 number 11 is for scrap solvent for reclamation. 11:52:36

21 There's a column for new chemicals for resale.

22 There's a column for operating chemicals, for

23 instance.

24 MR. THIROS: I have no further

25 questions. 11:53:08

1 FURTHER EXAMINATION OF CAROL A. OLIVER

2 BY MR. McWILLIAMS:

3 Q. One of the columns in Exhibit 4 is

4 Processed by Others?

5 A. Um-hum. 11:53:16

6 Q. Are you familiar with that column

7 in the ledger?

8 A. Processed by Others?

9 Q. Yes.

10 A. Yes.

11 Q. What does that column refer to?

12 A. There was another company that

13 processed different kinds of chemicals for us.

14 Maybe that was the dry cleaning solvent.

15 Chemetron Corporation. We would send certain 11:53:56

16 chemicals to them to be processed and then we'd

17 sell it back to our customer.

18 Q. Would they come to the CRS site

19 first?

20 A. Well, sometimes if we picked it up 11:54:14

21 and we had it on the truck, we would drop ship

22 it, we would just drop it on the way back to

23 the site, or sometimes it would come back to

24 the site, be accumulated, and then we would

25 send maybe 15 or 20 drums over there to be 11:54:33

1 recycled. If I recall, Chemetron was in Avon.

2 Q. So when material was sent to
3 Chemetron in Avon for further processing, there
4 are times when it would accumulate on site, be
5 stored on site? 11:54:49

6 A. I believe so.

7 Q. And would Chemetron then be the
8 source of those materials or the company that
9 processed those materials?

10 A. The company that processed them. 11:55:01

11 We would pick that dirty solvent up somewhere,
12 whatever company, either bring it in and hold
13 it until we had enough drums accumulated to run
14 a batch, or if we had picked up enough to make
15 a batch, we would take it there, process it, 11:55:18
16 and sell it back to our customer.

17 Q. So looking at this ledger, can you
18 determine who generated that material?

19 A. No.

20 Q. Would there be any ledgers that 11:55:31

21 would reflect who generated that material?

22 A. There would be an inventory sheet

23 somewhere --

24 Q. That would be --

25 A. -- that that material was picked 11:55:46

1 up, and then you'd need to determine what kind
2 of material it was. And I believe on those
3 inventory sheets there used to be -- it would
4 say acetone, trichlorethylene. It would say
5 MEK, toluene, xylene. It would say what kind 11:56:04
6 of dirty solvent that was and how much was
7 picked up, two drums, ten drums, 16, four. And
8 as I recall -- again, long time ago. As I
9 recall, we determined that yeah, okay, we have
10 enough now and we would put it all on a truck 11:56:31
11 and send it over there and they would process
12 it and then we would sell that.

13 Q. So the dirty inventory list that
14 you're talking about would reflect what's being
15 accumulated on site at the CRS site? 11:56:48

16 A. Yes.

17 Q. Do you know which types of material
18 or solvents would be processed by others?

19 A. I know that they processed methyl

20 ethyl ketone, MEK, toluene, xylene and acetone 11:57:10

21 on site. As for the trichlorethylene or -- I

22 don't know where that was processed.

23 Q. You referred to tankers that are

24 used to pick up bulk solvent. I think we

25 established during the last deposition that 11:57:45

1 that was approximately a 5,000-gallon tank; is

2 that accurate?

3 A. It came in different sizes, but the

4 majority of the time that I was there it was

5 5,000 gallons. 11:57:58

6 Q. And the other trucks that picked up

7 drums, were there two trucks that picked up

8 drums?

9 A. I believe there were two.

10 Q. And was one larger than the other? 11:58:13

11 A. There may have been three. I think

12 that -- I know they had a 40-foot van and then

13 a straight truck. Forgive me. I don't

14 remember if a 40-foot van can hold 40 or 80

15 drums of solvent. Does that sound right? 11:58:32

16 Q. So you recall it's either 40 or 80

17 drums in a 40-foot van. Would they stack the

18 drums or would they be just a single layer?

19 A. I think they would stack them,

20 depending on the weight, because you couldn't 11:58:52

21 go over weight limits.

22 Q. So there was a 40-foot van, there

23 was a 5,000-gallon tanker. And your

24 transactions, as you wrote them down or when

25 you scheduled a truck, were there some pickups 11:59:10

1 that would be 80 drums at a time in a single

2 truck?

3 A. Once again, I don't remember how

4 many they would pick up. I just don't

5 remember. I'm pretty sure it's a 40-foot van, 11:59:31

6 though.

7 Q. So we have a 40-foot van, a

8 5,000-gallon tanker. What was the other one?

9 A. A straight truck.

10 Q. And do you recall how many drums a 11:59:43

11 straight truck could haul?

12 A. This is close. 16 or 32.

13 Q. Okay, 16 to 32.

14 A. Again --

15 Q. So generally speaking, using 20 to 12:00:02

16 25 as sort of a midpoint here on straight

17 trucks, at 50 to 55 gallons a drum, the

18 straight truck would be hauling, if my math is

19 right, somewhere around a thousand gallons of

24 they'd be full and maybe have a foot in the

25 bottom or six inches in the bottom or whatever 12:00:43

1 of solids and the rest of it is dirty solvent.

2 The solids will fall to the bottom and then

3 they'd pump out the rest and process that.

4 There's a lot of variables here.

5 Q. Right. 12:01:00

6 And the 40-foot van, if that's 40

7 drums, that would be approximately twice as

8 much; that would be 2,000 gallons

9 approximately --

10 A. Definitely. 12:01:11

11 Q. -- in a load? If it's 80 drums, it

12 would be twice that, so it would be 4,000

13 gallons?

14 A. (Witness nodding head

15 affirmatively.) 12:01:23

16 Q. And then the tankers. You said the

17 tanker was a 5,000-gallon?

18 A. As I recall, 5 or 5500.

19 Q. So when you would schedule a load,

25 location? 12:01:54

1 A. Not usually.

2 Q. So usually one vehicle.

3 The tankers would be the largest
4 loads, right?

5 A. Yes.

6 Q. Can you give me a sense from your
7 recollection who would have been your tanker
8 customers?

9 A. Uniroyal, Alsides.

10 Q. From those companies that we 12:02:19
11 identified this morning, Carmac Chemical was
12 identified as a frequent customer. Do you
13 remember if they were a tanker or a drum
14 customer?

15 A. No. If I look on the dirty 12:02:49
16 inventory list, it would list whether it was X
17 amount of drums or gallons.

18 Q. And if it said gallons, can we take
19 from that that this is a bulk customer, that is

20 a customer that would have been picked up with 12:03:18

21 a 5,000-gallon tanker?

22 A. In a tanker, yes. On that

23 inventory sheet it would say ten drums or 30

24 drums or 3,000 gallons.

25 Q. Now, the dirty inventory list 12:03:33

1 reflects what's on site at that time; isn't

2 that right?

3 A. Right.

4 Q. So is there anything we can take

5 from the dirty inventory list that would tell 12:03:49

6 us how much was in each transaction or pickup?

7 A. It would tell you the company that

8 it came from and how much was brought in.

9 Q. So we can --

10 A. It should have been the date it was 12:04:08

11 brought in.

12 Q. So that would be a single

13 transaction then?

14 A. Yes.

15 Q. Hauserman was also identified as a 12:04:14

16 frequent customer. Do you recall if that was a

17 tanker?

18 A. When I think Hauserman, I think

19 drums.

20 Q. Would Hauserman be in the 40-foot 12:04:30

21 van category then?

22 A. That's the category I recall.

23 Q. Maybe the easiest way to do this is

24 to ask you to look over my notes from our

25 discussion this morning and if you could tell 12:04:55

1 me if any of these in the moderate category

2 would have been -- did you recall them as

3 tankers or drum customers.

4 A. C&C Supply I seem to remember as a

5 tanker. Some companies we did both, depending 12:05:20

6 on what their application was with the solvent.

7 We might do two different type solvents for the

8 same company.

9 Q. Do you recall any particular

10 companies that that description fits? 12:05:38

11 A. Beaver Paint.

12 Q. And that would be a company that

13 you picked up both in tankers and drums?

14 A. Yeah. But, again, you know, this

15 was a very long time ago. 12:06:12

16 Q. I understand.

17 A. I don't remember.

18 Q. And if you did pick up drums from

19 Beaver Paint, would it have been with the

20 40-foot van or the straight truck? 12:06:25

21 A. I believe the van. Beaver Paint

22 Company I'm associating with somewhere in

23 Pennsylvania. And, again, I don't even know if

24 that's right, but when we picked up companies

25 like that, even though they may have had ten 12:06:45

1 drums, if we had another company in the area
2 that needed the pickup, we'd send the van, and
3 he might pick up four or five companies, make
4 three or four stops that day and bring it back.

5 Q. So for pickups from a long 12:07:02
6 distance -- let me use as an example Sylvania
7 Altoona, in Altoona, Pennsylvania, 240 miles
8 each way. Would that have been a tanker or
9 would that have been a drum truck?

10 A. With Sylvania I associate tanker. 12:07:33
11 For Fisher Price Toys I seem to associate both.
12 Drums come to mind, but yet so does the tanker.
13 I don't know.

14 Q. Now, when you'd go as far as
15 Altoona, Pennsylvania, 240 miles, would that be 12:08:05
16 for a full tanker load?

17 A. Usually.

18 Q. Any others on that list that you
19 recall as being tanker customers or drum

20 customers specifically? 12:08:32

21 A. I don't remember.

22 MR. McWILLIAMS: I'm going to

23 recommend that we take a break for lunch. It's

24 about time for lunch. It will give us all a

25 chance to get some sustenance. And then 12:09:05

1 reconvene.

2 MR. NASH: Yes. That's okay.

3 Before we do, I'd like to ask Carol

4 one follow-up question to something the

5 gentleman from U.S. Steel was asking. 12:09:13

6 FURTHER EXAMINATION OF CAROL A. OLIVER

7 BY MR. NASH:

8 Q. And he was asking about whether

9 there might be some transactions that took

10 place where solvent was brought to the site but 12:09:20

11 where it might not necessarily have been

12 reflected in the various accounting ledgers and

13 journals. And I was thinking of something that

14 struck me a number of years ago when I was

15 looking at records for the site, in particular, 12:09:37

16 witness interviews. There were a lot of

17 witnesses that identified making pickups at a

18 particular company, but there didn't seem to be

19 any documentary records in the ledgers to back

20 that up. 12:09:50

21 I was wondering -- it's sort of a

22 hypothetical, I guess -- if a company -- I

23 think you said in testimony earlier today that

24 sometimes a company would call for a pickup,

25 but they would not be paid for it; they would 12:10:02

1 just say we've got some stuff for you, come and

2 pick it up, and you would send a truck out and

3 pick it up. Is that correct?

4 A. That's correct.

5 Q. So that might not show up in the 12:10:12

6 books?

7 A. Correct.

8 Q. And then if having processed the

9 material, if you knew that the company didn't

10 want to buy recycled material, might you then 12:10:21

11 sell the recycled material to someone else?

12 A. Yes.

13 Q. So the original supplier of the

14 dirty solvent then might not appear in any

15 transaction records associated with it? 12:10:34

16 A. Correct.

17 Q. I suppose their name might turn up

18 on the dirty inventory list for an incoming

19 shipment that sat on the site for a while, but

20 that perhaps would be the only document that 12:10:47

21 would reflect the arrival of that 6,000 gallons

22 or 30 drums or whatever it was?

23 A. I think that would be accurate.

24 Q. I just wanted to get the

25 understanding that I was looking at these 12:10:56

1 records and witness interviews and analyzing
2 them correctly.

3 MR. NASH: That's all. Thanks.

4 FURTHER EXAMINATION OF CAROL A. OLIVER

5 BY MS. WHITBY:

6 Q. Do you specifically recall anybody
7 doing that, anybody who just sent stuff to the
8 site, didn't want anything back, just wanted to
9 be relieved of the dirty solvent that they had
10 accumulated on their particular facility? 12:11:17

11 A. I know that there were customers
12 that did that or people -- you know, companies
13 that would call and say hey, you know, we're
14 not -- Russ would say, "Well, I'm not going to
15 pay you for it, but we'll come take it off your 12:11:35
16 hands for you." But I don't remember names.

17 FURTHER EXAMINATION OF CAROL A. OLIVER

18 BY MR. McWILLIAMS:

19 Q. Would Robert Ross & Sons have

20 transactions like that with CRS where they 12:11:45

21 would call you and ask you to pick up material

22 that was perhaps too clean for them to dispose

23 of or incinerate?

24 A. I don't remember Ross doing that.

25 I remember Ross hauling our stuff out of there. 12:11:59

1 FURTHER EXAMINATION OF CAROL A. OLIVER

2 BY MR. NASH:

3 Q. How about Glidden Paint?

4 A. Glidden bought it back, I think.

5 Q. Glidden bought it back? 12:12:12

6 A. Honestly, I would have to look
7 through the records to see if I invoiced
8 Glidden Paint, but when I think of them, I
9 think recycled solvent.

10 Q. I'll trust your recollection. 12:12:29

11 A. It was a long time ago.

12 MR. NASH: I think Carol's
13 recollection has proved remarkably accurate in
14 a number of instances. She seems very
15 tentative about it, but what registers in my 12:12:49
16 mind is yes, that's confirmed, there's
17 paperwork that shows it.

18 FURTHER EXAMINATION OF CAROL A. OLIVER

19 BY MR. NAKON:

20 Q. Just as you indicated there were 12:12:51

21 customers who may have their solvents picked up

22 and delivered to the site but that's the only

23 relationship you had with them, were there also

24 customers who bought reclaimed solvents but did

25 not send dirty solvents to the site? 12:13:12

1 A. Yes.

2 MR. NAKON: Thank you. That's all

3 I have.

4 MR. McWILLIAMS: It is currently

5 12:12. Let's reconvene at 1:15. 12:13:32

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8 (Luncheon recess taken.)

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1 AFTERNOON SESSION

2 FURTHER EXAMINATION OF CAROL A. OLIVER

3 BY MR. McWILLIAMS:

4 Q. Before we took our break for lunch,
5 we had talked about customers that may have 13:25:50
6 sent material, chemicals, to the site without a
7 cash transaction one way or the other.

8 A. Um-hum.

9 Q. And as a way of trying to get to
10 whether any of those people are -- I'd like to 13:26:08
11 put a list in front of you and have you walk
12 through that list at your own leisure and see
13 if any of the companies on the list I provide
14 you might trigger a recollection that they
15 provided solvent to a CRS entity without 13:26:24
16 payment for that, either as a scrap solvent
17 payment or as a payment for reclaiming used
18 solvent.

19 Do you have any questions about

25 Corporation, and work your way down that list 13:26:59

1 and see if any of them might have been

2 companies that sent solvent to the site

3 without --

4 MS. SHUMWAY: Can you identify what

5 list it is you have her looking at? 13:27:13

6 MR. McWILLIAMS: This is a list of

7 the parties -- this is a list of parties that I

8 created. It's not a business document.

9 MS. SHUMWAY: Okay. So this isn't

10 an exhibit, this is just -- 13:27:31

11 MR. McWILLIAMS: It's not an

12 exhibit. It's just a list of names.

13 MS. SHUMWAY: Okay.

14 A. I don't remember dealing with 3M

15 Corp. 13:27:50

16 Adelphia is a name that looks

17 familiar. I have no idea.

18 Alcoa, seems like we did business

19 with them. I don't know.

20 American Colors, again -- American 13:28:01

21 Greetings, I don't remember it being a real

22 frequent thing.

23 Q. Now, again, we're looking for

24 customers that would have sent solvent to the

25 site that would not have been paid in that 13:28:21

1 transaction, something that would have been out
2 of the ordinary based on your discussion this
3 morning.

4 A. I have no way of knowing.

5 Q. Okay. 13:28:44

6 I just want you to look through the
7 list and -- there's a few more names -- just to
8 see if any of them jump out at you as being
9 significant customers that may have sent
10 solvent to the site for which there would not 13:28:58
11 be an accounting record, just the big ones.

12 A. Nothing that --

13 Q. Okay. Thanks.

14 There may be a few more. There's
15 just one more small list here. Just to the 13:30:06
16 black line at the bottom, if you would, please.

17 A. I don't -- I don't know of anyone.

18 I don't know how to tell from this list what --
19 the names look familiar as being customers, but

20 I don't know. I just don't -- I can't pull 13:31:22

21 that relationship.

22 Q. That's fine. All I was looking for

23 is if one of those names inspired a

24 recollection that you had --

25 A. No. 13:31:31

1 Q. -- that these were significant

2 customers.

3 This morning we went through a

4 number of customers to determine whether they

5 were significant -- well, whether they were 13:31:48

6 frequent or infrequent customers. I have more

7 on my list.

8 A. Oh, good.

9 Q. I knew you would be excited.

10 A. All right. 13:32:00

11 Q. Hydro Tube Corporation, do you

12 recall Hydro Tube being a frequent or an

13 infrequent customer?

14 A. Moderate.

15 Q. And moderate, based on our 13:32:26

16 discussion this morning, was somewhere in the

17 neighborhood of four times per year on average.

18 What about Imaging Systems

19 Corporation?

20 A. I remember the name. I have no 13:32:46

21 idea.

22 Q. Do you remember the name as a

23 customer?

24 A. I don't know. Imaging Systems?

25 I'm sorry. I don't know. 13:33:20

1 Q. What about Industrial Chemical
2 Corporation, do you recall them as being a
3 frequent or infrequent customer?

4 A. Industrial Chemical, probably a
5 couple times a year. 13:34:02

6 Q. So we had created a, sort of,
7 middle column between infrequent and moderately
8 frequent for C.D. Cottrell and Chautauqua
9 Chemical this morning. Would you put them in
10 that category? 13:34:21

11 A. I probably would.

12 Q. What about International
13 Amalgamated Thingmakers?

14 A. I didn't know Thingmakers was on
15 there, but yeah. I don't remember them being 13:34:49
16 frequent, no.

17 Q. So would they be an infrequent
18 customer then?

19 A. I would say infrequent. I think

20 with a name like that, I'd remember it. 13:35:05

21 Q. What about International

22 Fabricators?

23 A. I remember that more so than

24 Thingmakers.

25 Q. Do you remember them as being a 13:35:16

1 frequent customer?

2 A. International Fabricators? I

3 remember typing it a few times. I would

4 probably put that in the middle column.

5 Q. What about Interstate Chemical 13:35:47

6 Company?

7 A. That one seems more frequent.

8 Q. Would that be in the frequent

9 category of one to two times per month?

10 A. Yeah. I just don't think it was as 13:36:06

11 long range as the other ones. I do remember

12 that Interstate being --

13 Q. So how long do you think they were

14 a customer, though?

15 A. I don't know. 13:36:37

16 Q. But perhaps not your entire

17 nine-year duration there?

18 A. Right.

19 Q. Something less, okay.

20 Does the name J.T. Young mean 13:36:44

21 anything to you?

22 A. (Witness shaking head negatively.)

23 Q. What about Jack Webb?

24 MR. CLAY: Can we get an audible

25 statement on the record? 13:37:05

1 A. No, it doesn't. I'm sorry.

2 Q. What about Jack Webb?

3 A. No, I don't know him either.

4 Q. What about the company Ken's

5 Woodcraft, do you recall Ken's Woodcraft being 13:37:34

6 a frequent or infrequent customer?

7 A. I just remember him as like one or

8 two drums. I don't remember him being a big

9 thing.

10 Q. But frequency-wise, would it have 13:37:46

11 been infrequent or frequent?

12 A. Probably the middle column.

13 Q. Kohler Company?

14 A. Infrequent.

15 Q. Infrequent. 13:38:12

16 Koppers?

17 A. Infrequent.

18 Q. Lacquer Products?

19 A. That was more frequent.

20 Q. Would you put it in the frequent 13:38:36

21 list, one to two times a month, or the

22 moderate, more like four times per year?

23 A. Lacquer Products, I'm not sure.

24 It's not -- I don't recall it as a weekly or a

25 biweekly kind of thing. I don't know if it was 13:39:21

1 once a month, once every other month. That
2 wasn't more frequently than -- now that I hear
3 it, I --

4 Q. Well, we made sort of an in between
5 column over here between infrequent and 13:39:34
6 moderate. It sounds like your testimony is
7 it's somewhere between frequent and moderate,
8 so more like once a month. Is that accurate?

9 A. Yeah, once a month, once every
10 other month maybe. Lacquer Products, maybe -- 13:39:47
11 maybe just the middle column.

12 Q. What about Majestic?

13 A. I remember that.

14 Q. Was Majestic a frequent customer or
15 an infrequent customer? 13:40:23

16 A. I would probably say infrequent.

17 Q. Now let me try Yenkin Majestic.

18 A. That I remember more frequent.

19 Q. Now, would those two be different

20 companies or the same company in your 13:40:45

21 recollection?

22 A. Honestly, I don't know.

23 Q. Well, let's --

24 A. Were the two names Majestic

25 Products and Yenkin Majestic? 13:41:12

1 Q. Majestic and Yenkin Majestic.

2 A. I don't know.

3 Q. Well, let's just focus on -- you

4 said Majestic, to your recollection, would have

5 been infrequent. But let's just focus on 13:41:28

6 Yenkin Majestic. Would Yenkin Majestic be a

7 frequent or infrequent customer?

8 A. I would probably throw that in the

9 middle column.

10 Q. And the middle column, for the 13:41:46

11 record, is approximately four times per year.

12 What about the company Mid

13 American, do you recall Mid American being a

14 customer of a CRS entity?

15 A. I can see it typed. Not 13:42:07

16 frequently.

17 Q. So they would be in the infrequent

18 column?

19 A. Yes.

20 Q. That was Mid American as an 13:42:19

21 infrequent customer.

22 What about Miracle Adhesives?

23 A. Miracle Adhesives is a more -- I

24 remember that.

25 Q. Do you remember them as being a 13:42:52

1 frequent customer, approximately one to two
2 times a month, or more in the moderate
3 frequency of four times per year?

4 A. Moderate.

5 Q. NS Marketing, do you recall NS 13:43:04
6 Marketing being a customer of CRS?

7 A. That one doesn't sound familiar.

8 Q. What about National Acme?

9 A. I remember seeing it typed.

10 Q. Do you remember it being typed 13:43:44
11 frequently or infrequently?

12 A. I'm sorry.

13 Q. You're doing great, really.

14 A. I don't remember that as being very
15 frequent, no. 13:44:00

16 Q. So that would be more like once a
17 year or a few times a year?

18 A. I would guess probably once a year.

19 Q. Does the name Nick Schlatz ring a

20 bell? 13:44:18

21 A. Nick Schlatz, S-c-h-l-a-t-z?

22 Q. Yes.

23 A. Yes. Don't know why.

24 Q. Does your recollection pertain to

25 the CRS site? 13:44:38

1 A. Well, I don't think I ever dated
2 him. Does that help? Yeah, it would probably
3 have something to do with Obitts Chemical or
4 Chemical Recovery.

5 Q. Does the name Nick Schlatz and NS 13:44:49
6 Marketing, the fact that they might be related,
7 help you recall anything about NS Marketing?

8 A. Yeah. He probably was -- that was
9 probably his company, but I don't recall him.

10 Q. Do you recall whether his company 13:45:10
11 was a frequent or an infrequent customer?

12 A. I remember it being more frequent
13 for a time span, but I don't remember it being
14 a long-term thing.

15 Q. And during that time span would it 13:45:45
16 have been more like four times a year or more
17 like one or two times a month?

18 A. A year, like four times a year.

19 Q. And you said it wasn't the whole

20 time or it was more frequent during certain 13:46:11

21 periods of time, so given that you were there

22 about nine years, about what portion of your

23 time there would NS Marketing have been a

24 customer?

25 A. Maybe a couple years. Uniroyal and 13:46:24

1 Alsides were more long-range kind of people.
2 There's just a lot of them that are one or two
3 times. Sometimes, you know, customers would
4 try it, and if the recycled solvent worked for
5 them, they would become a regular, repeat 13:46:56
6 customer. If the product didn't work for them,
7 it might have just been one or two times and
8 then you never hear from them again. But do I
9 recognize the name? Yeah. I don't know
10 frequency. 13:47:09

11 Q. What about Ohio Formulators?

12 A. Ohio Formulators? Is there a Carl
13 name that goes with that?

14 Q. A Carl name? Not that I have in my
15 notes. 13:47:35

16 A. The name sounds familiar, Ohio
17 Formulators. Carl Shultz seems to be
18 associated with that. But, again, I have no
19 idea. I don't know. I'm just telling you

20 what's coming out up here. 13:48:08

21 Q. What about Nol/Wood Chemical?

22 A. Nol/Wood?

23 Q. Yes.

24 A. Parent corporation for Chemical

25 Recovery Systems. 13:48:24

1 Q. And were they a customer in that

2 did they send dirty solvent to the CRS site?

3 A. You know, I don't remember them

4 sending dirty solvent. I remember Nol/Wood

5 supplying us with virgin chemicals for resale. 13:48:36

6 Q. Now, if they were providing you

7 virgin chemicals for resale, would they still

8 show up in the dirty inventory list?

9 A. No.

10 Q. No? 13:48:54

11 A. No. Shouldn't.

12 Q. So Nol/Wood may have provided some

13 chemicals, virgin chemicals, for resale?

14 A. They may have also sent stuff from

15 Michigan down to be recycled and then have 13:49:12

16 resold it on their own. I just -- when I think

17 of Nol/Wood, I think new chemicals.

18 Q. Okay.

19 A. But they very likely could have.

20 Q. When you say they could have, they 13:49:28

21 could have sent from the Michigan facility to

22 the Elyria facility solvents for reclamation?

23 A. Could have gone that way. Could

24 have also been one of the salesmen up there

25 saying, "Hey, let's send that down to Ohio and 13:49:49

1 let them recycle it and we'll sell it back to
2 them," or, "Here, let's sell this dirty solvent
3 to Ohio and then they can resell it."

4 Q. Did the Michigan facility have the
5 same distillation equipment as the Ohio 13:50:05
6 facility?

7 A. To the best -- I don't know if it
8 was exactly the same. It was the same process
9 as I understood it, yes, a sister company doing
10 the same type of thing. 13:50:16

11 Q. So they wouldn't, in the normal
12 course of business, have a reason to send the
13 xylenes and the toluenes to Elyria?

14 A. Depending on where their customer
15 was. 13:50:28

16 Q. I see.

17 A. So if they have a customer in the
18 Cleveland area, it would make much more sense
19 to just have that processed in Elyria than it

20 would to drive it up to Michigan if you're 13:50:38

21 going to do the same process in a closer

22 proximity.

23 Q. So Nol/Wood may have provided a

24 brokering service, in essence, by identifying

25 customers near the Elyria facility that could 13:50:51

1 have their dirty solvent processed in Elyria

2 and then sold back to the customer, correct?

3 A. Yes.

4 Q. Let's move on.

5 Parr, Inc.? 13:51:07

6 A. Yeah.

7 Q. Was Parr a frequent customer or an

8 infrequent customer?

9 A. Infrequent.

10 Q. Infrequent. 13:51:16

11 And would they have been a customer

12 for the majority of your nine years there?

13 A. I don't recall.

14 Q. Does the name Paul Moffat mean

15 anything to you in connection with the CRS 13:51:45

16 site?

17 A. Paul Moffat, as I recall, was, I

18 thought, a former salesman for Ashland Chemical

19 Company, but maybe he went on his own. I -- I

20 really don't know. That's what I -- that's 13:52:08

21 what comes up when you mention his name.

22 Q. Now, you mentioned this morning

23 someone else that had come from the Ashland

24 Chemical Company.

25 A. Jim Freeman. 13:52:20

1 Q. Were Jim Freeman and Paul Moffat
2 associates?

3 A. I don't know their business
4 relationship. I think that they -- they did
5 know each other previously. 13:52:36

6 Q. What about Pram, Incorporated,
7 would they have been a frequent or an
8 infrequent customer?

9 A. Infrequent.

10 Q. And Research Oil? 13:52:56

11 A. Infrequent.

12 Q. Does the name Rudi Gusley mean
13 anything to you in relation to the CRS site?

14 A. Spell that.

15 Q. Rudi is R-u-d-i. Gusley is 13:53:32
16 G-u-s-l-e-y.

17 A. No.

18 Q. Does the company Schuman Paint &
19 Sandblasting -- were they a customer?

20 A. I recall that name maybe once or 13:53:50

21 twice a year.

22 Q. Soil Services?

23 A. Nope. Don't remember that one.

24 Q. This is EPA Exhibit 4. What's the

25 nature of this ledger? 13:54:54

1 A. Purchases journal August 1977.

2 Q. And I'd like you to look at line

3 30.

4 A. Soil Services, scrap solvent for

5 reclamation, \$320. 13:55:11

6 Q. Is that in your hand?

7 A. Yes, it is. No, it isn't. Sorry.

8 This is Christine's note.

9 Q. Does this ledger help refresh your

10 recollection as to whether Soil Services was a 13:55:29

11 customer of the CRS site?

12 A. Yeah, they were a customer. They

13 would have been a customer.

14 Q. Would they have been a frequent or

15 infrequent customer? 13:55:50

16 A. Infrequent.

17 Q. Standard Injection Molding, do you

18 recall Standard Injection Molding being a

19 customer of the CRS site?

22 frequent or an infrequent customer?

24 Q. Studebaker Chemical, do you recall

25 Studebaker Chemical being a customer? 13:56:50

1 A. Yes, I do.

2 Q. Would they have been a frequent
3 customer, one to two times per month, or less
4 frequent?

5 A. Less frequent. I would probably -- 13:56:58
6 a couple times a year. A couple, three, four.

7 Q. Superior Chemical Products?

8 A. It seems like that was on a more
9 frequent basis, Superior.

10 Q. Superior Chemical Products would 13:57:42
11 have been more frequent. Would they be in the
12 frequent category of one to two times a month
13 or more?

14 A. The hesitation here is because I
15 don't remember if this is Superior Chemical or 13:58:14
16 Superior Products.

17 Q. Superior Chemical Products is the
18 way I have it listed.

19 A. And I am aware of that. It's

20 what's in here we're concerned with 13:58:26

21 (indicating).

22 Q. But there's also a Superior

23 Industries on my list. Would you consider

24 Superior Industries and Superior Chemical

25 Products to be two separate companies in your 13:58:37

1 recollection?

2 A. Yes.

3 Q. Well, let's start with Superior

4 Chemical Products. Would they be a frequent

5 customer, one to two times a month? 13:58:51

6 A. What I'm picturing in my mind is

7 the inventory list, and I do remember seeing

8 them on there more frequently, but I can't tell

9 you how frequently. I'd probably go with

10 three, four times a year. 13:59:19

11 Q. And was Superior Industries more or

12 less frequent than that?

13 A. Superior Industries? There is

14 confusion here. I'm sorry. I don't -- that

15 could all be the same company for all I know. 13:59:44

16 Honestly, Superior Industries and any of the

17 divisions of it, I don't know. I just don't

18 know.

19 Q. It could be very confusing.

20 Sylvania, do you recall Sylvania as 14:00:01

21 being a customer of the CRS site?

22 A. In Altoona, PA?

23 Q. And Sylvania, one of their

24 facilities was in Altoona, PA?

25 A. Yes. 14:00:16

1 Q. Do you recall a Sylvania facility

2 in Emporium?

3 A. Yeah.

4 Q. Yes.

5 So Sylvania as a whole, including 14:00:32

6 both the Altoona and the Emporium facilities,

7 do you recall them being a frequent customer, a

8 moderate customer or an infrequent customer?

9 A. Once again, three, four times a

10 year maybe. You're testing me. Is there like 14:00:52

11 scoring at the end of this? Do I get to know

12 where I was?

13 MR. NASH: I wouldn't worry about

14 that, Carol. You could probably say almost

15 anything you please and nobody would know

16 whether it was right or wrong.

17 THE WITNESS: I'm trying here, but

18 it was a long time ago.

19 Q. Now, Sylvania had one facility, as

20 we were discussing, in Altoona, Pennsylvania, 14:01:53

21 which, by my calculation, is about 240 miles

22 away.

23 A. Okay.

24 Q. We had identified earlier that your

25 recollection was that that was a full tanker 14:02:05

1 load or a tanker truck that would be used to
2 pick up at Sylvania Altoona. Do you recall
3 whether Sylvania Emporium would have used the
4 same tanker truck -- a tanker truck or a drum
5 load? 14:02:26

6 A. I don't recall. I don't.

7 Q. What about Systems Technology
8 Corporation?

9 A. Nothing.

10 Q. Do you recall them being a frequent 14:02:48
11 or an infrequent customer?

12 A. I don't recall them being a
13 customer.

14 Q. What about Techno-Adhesives?

15 A. I don't remember -- I remember the 14:03:02
16 name, but not frequently.

17 Q. So you would consider them an
18 infrequent customer, Techno-Adhesives; is that
19 correct?

21 Q. Does the name Tom Sugasky mean

23 A. What's his name?

25 A. Sugasky. 14:03:35

1 Q. Thank you.

2 A. Tom Sugasky. Well, why would I
3 know that name? I recognize the name. I don't
4 have a clue why.

5 Q. You've mentioned Uniroyal in the 14:04:17
6 past as being a significant customer of the CRS
7 entity, and you also mentioned that they were
8 picked up in the Port Clinton area and that you
9 used a tanker, that CRS used a tanker to pick
10 them up. Is all that consistent with your 14:04:45
11 recollection right now?

12 A. That's what I remember. I won't
13 say we never picked up drums there. We may
14 have also picked up drums there. But I -- what
15 I recall from them is bulk, dirty solvent. 14:04:57

16 Q. And about how many times a month
17 would a CRS entity pick up from Uniroyal?

18 A. Again, without looking at
19 documentation to refresh my memory, it seemed

20 pretty frequent. Maybe a couple times a month. 14:05:42

21 I'm not thinking that it was weekly. I don't

22 know that we did anything -- we didn't have a

23 standard, like a weekly schedule, that this

24 happened on this day. It's whenever we got

25 processed and scheduled back, but Alsides was a 14:06:03

1 regular, Uniroyal was a regular.

2 Q. What about the company Victor

3 Comptometer?

4 A. Comptometer?

5 Q. Do you recall them being a 14:06:25

6 customer?

7 A. I don't remember the frequency.

8 They were. I do remember -- recognize the

9 name. I don't remember frequency.

10 Q. Is it fair to say they're at least 14:06:48

11 an infrequent customer?

12 A. Yes.

13 Q. The Whittaker Corporation?

14 A. That sounds familiar, too.

15 Q. Do you recall them being a customer 14:07:06

16 of a CRS entity?

17 A. Yes.

18 Q. Do you recall the frequency with

19 which they were a CRS customer being infrequent

20 or frequent? 14:07:22

21 A. Middle.

22 Q. And the last name on my list, this

23 list, is Woodall Industries.

24 A. Woodall Industries? I can't tell

25 you where they're at either. I recognize the 14:07:49

1 name as a company. Yeah, we did work for them.

2 Q. And would you consider the

3 frequency that they did transactions with a CRS

4 entity to be frequent or infrequent?

5 A. Probably infrequent. 14:08:01

6 Q. I'm going to put in front of you

7 what is EPA Exhibit 3.

8 A. Okay.

9 Q. Let's start with this sheet. Can

10 you explain what this sheet is, if you 14:08:39

11 recognize it?

12 A. This is an invoice for the Obitts

13 Chemical Company at 142 Locust Street invoicing

14 Chemical Service Corporation. This is charging

15 Chemical Service Corporation, it looks like, 14:09:05

16 for the mileage to haul the solvent picked up

17 at various different companies, either one-way

18 or round-trip mileage, with stuff that was

19 processed by Chemical Service Corporation.

20 Q. And what's the first transaction on 14:09:30

21 that?

22 A. For the record, this is May 25th,

23 1972 and I didn't start at the company until

24 September 23rd of 1972 or thereabouts.

25 Q. I understand, and we will get to 14:09:46

1 some records that actually are on the other
2 side of your employment commencement date.

3 A. But as I recognize the document,
4 this was common practice for Chemical -- for
5 Obitts Chemical Company trucks to pick up the 14:10:08
6 material, bring it to the site, Chemical
7 Service would recycle it and then sell it back,
8 so Obitts Chemical Company would charge
9 Chemical Service mileage for the truck expenses
10 both ways. For Sylvania Altoona, 480 miles 14:10:30
11 round trip at 44 cents a mile is \$211.20. On
12 5-5-72 they delivered and picked up Ohio Brass,
13 which, I think, is in Cleveland -- I'm not
14 sure -- 40 miles, 44 cents a mile. R.O. Hull
15 and Technical, 50 miles. 14:10:51

16 Q. Does R.O. Hull and Technical -- do
17 you know what "and Technical" refers to here?
18 Is that a separate company?

19 A. I believe it's a separate company.

20 R.O. Hull is one company. And my guess -- 14:11:05

21 guess would be Technical Products.

22 Q. And the last transaction on that

23 page?

24 A. Well, it lists Larson Foundry, B.F.

25 Goodrich. After you get the mileage total, 14:11:27

1 then it says, "Empty drums purchased from
2 Obitts Chemical Company, 31 drums at \$5.25 per
3 drum, credit for seven drums, trichlor, shipped
4 to Inland at \$15."

5 Q. Do you know what Inland refers to 14:11:38
6 in that transaction?

7 A. Inland Chemical. They purchased 31
8 new drums from Obitts Chemical Company at
9 \$5.25. Chemical service purchased 31 drums,
10 empty drums, from Obitts Chemical Company for 14:12:06
11 \$162.75 total.

12 Q. And the 5-23-72 transaction
13 referenced at the bottom of the page?

14 A. Deliver Sylvania Emporium one way,
15 200 miles, \$88. 14:12:32

16 Q. Why would they be charged for one
17 way?

18 A. A couple answers to that.

19 One is if the material were picked

20 up the month before and on the April invoice it 14:12:59

21 said pick up Sylvania Emporium one way and then

22 it was invoiced the month before. That's not

23 the right year. Don't know. This is charging

24 for the delivery charge. This could signify

25 that it was material from somewhere else and 14:13:31

1 this was just delivered. This is simply a
2 delivery charge. This is telling you that on
3 May 23rd, 1972 an Obitts Chemical Company truck
4 delivered a -- something to Sylvania Emporium,
5 one way is 200 miles, and they were charged \$88 14:14:00
6 for it.

7 Q. Do you understand why they would
8 only be charged for one way as opposed to both
9 ways? Could it be that they were dropping
10 something -- dropping an entire truck off or a 14:14:16
11 tanker off?

12 A. If they were delivering clean
13 solvent to this company, they would charge them
14 for the mileage to deliver it there.

15 Q. That helps. Thank you. 14:14:41

16 A. If they were picking material up --
17 if they were delivering a clean load, and while
18 they were there, maybe they delivered 80 drums
19 of clean solvent, picked up 80 drums of dirty

20 solvent at the same time, so if it were a 14:14:57

21 delivery and a pickup, they get charged mileage

22 both ways. If it's a delivery, they just get

23 mileage there.

24 Q. Okay.

25 A. Make sense? 14:15:08

1 Q. Yes.

2 If you look at the transaction on
3 this page, June 19th, 1973, under January 23rd
4 there's a reference to loading and unloading.

5 What does that mean to you? 14:15:46

6 A. This is a freight bill. And it
7 would be my assumption that on January 23rd
8 they delivered Miracle Adhesives, 180 miles
9 both ways, the fee was \$79.27. They probably
10 unloaded it and reloaded it because they're 14:16:31
11 charged both ways, so they would have probably
12 brought dirty solvent back.

13 Q. On this page referenced December
14 28th, 1972 there's a description of a
15 transaction on September 27th involving 14:17:05
16 Sylvania Altoona. Do you see that transaction?

17 A. Yes.

18 Q. Now, it indicates that it was
19 charged both ways. Do you see that?

24 solvent from Sylvania Altoona in that

25 transaction and brought it back to the CRS 14:17:46

1 site?

2 A. That would be my assumption.

3 Q. So if we're charging -- if the CRS

4 entity is charging freight both ways, that

5 means something was being picked up at the 14:18:05

6 other end and brought back?

7 A. That is my assumption.

8 Q. That's helpful. Thank you.

9 I'm going to return to the size of

10 loads. We talked about 5,000-gallon tankers, a 14:18:48

11 40-foot van, and a smaller van or smaller

12 straight truck being used to transport dirty

13 solvent back to the CRS site, correct?

14 A. Or to deliver solvent.

15 Q. You've identified a number of 14:19:06

16 customers before lunch that were utilizing a

17 tanker for their transactions. I have a few

18 extra names on my lists here. What I'd like

19 you to do is walk through the lists that we've

20 made and help me determine which of these was a 14:19:29

21 tanker transaction. And let's start with the

22 frequent list.

23 Carmac Chemical, do you recall

24 whether that was a tanker?

25 A. Tanker comes to mind. 14:19:45

1 Q. And Hauserman, do you recall --

2 sorry. Hauserman you said was drums?

3 A. Drums come to mind with Hauserman.

4 Q. And Interstate Chemical, tanker or

5 drums? 14:20:14

6 A. I want to say both, but I don't

7 know.

8 Q. Well, let's start from the bottom

9 of the moderate list.

10 Whittaker, do you recall Whittaker 14:20:39

11 being a tanker pickup?

12 A. No, I don't. I don't recall.

13 Q. Sylvania we identified as a tanker

14 pickup for Altoona. Is it also a tanker pickup

15 for Emporium? 14:20:55

16 A. Oh, goodness. I don't recall.

17 Q. What about the Superior entities,

18 do you recall whether that was a tanker or

19 drums?

20 A. I don't recall. 14:21:31

21 Q. Let's do it this way: Why don't

22 you, on your own -- actually, let me point out

23 a couple additional ones.

24 Yenkin Majestic or Majestic, do you

25 recall that being a tanker or a drum pickup? 14:21:50

1 A. Tanker comes to mind.

2 Q. And Miracle Adhesives?

3 A. Tanker comes to mind. I wish you
4 guys would have asked me this 20 years ago.

5 Q. Lacquer Products? 14:22:13

6 A. Drums.

7 Q. Ken's Woodcraft?

8 A. Drums.

9 Q. International Fabricators?

10 A. Drums come to mind, but I don't 14:22:27

11 know. Hydro, drums come to mind. Chemical

12 Solvents, both. Tanker comes to mind. C&C

13 Supply, tanker comes to mind. Bison, I think

14 tanker. Ball Chemical, tanker.

15 Q. I think you're on Aztec Chemical. 14:22:59

16 A. I don't know.

17 Q. Airco Spear?

18 A. I don't know.

19 Do you have those inventory sheets

20 here? 14:23:39

21 Q. The dirty inventory list?

22 A. Yes.

23 MR. McWILLIAMS: Were the dirty

24 inventory lists marked as exhibits to Carol

25 Oliver's deposition? 14:23:47

1 MR. NASH: I believe we questioned
2 her about it, but she was unable to identify or
3 authenticate the document. She had a
4 familiarity with the way it was put together,
5 but couldn't say that she had herself compiled 14:23:59
6 it or that someone else had. I don't recall it
7 being among the exhibits.

8 Q. Why don't you work through the
9 infrequent list and, again, see if any of those
10 you recall as being drums or being tankers for 14:24:18
11 the record.

12 A. On the infrequent list here, E.E.
13 Zimmerman may have been a tanker. The rest of
14 them, I associate drums, but again, I wouldn't
15 put my life on it. Too long ago. Don't 14:25:40
16 remember.

17 Q. And what about E.E. Zimmerman do
18 you recall that distinguishes them from the
19 rest of the list as a tanker customer?

20 A. I don't know why. I don't. 14:25:51

21 Q. Do any of the rest of you have

22 questions? I will yield the floor.

23 MR. NAKON: I have none.

24 MR. GRAHAM: None for me.

25 MR. THIROS: None for me. 14:26:16

1 MR. CLAY: No.

2 MS. WHITBY: I am sorry. I do.

3 FURTHER EXAMINATION OF CAROL A. OLIVER

4 BY MS. WHITBY:

5 Q. Do you remember any contact names 14:26:21

6 at any of these companies? One of the things

7 that we're obviously looking for are sources of

8 other information. Do you remember names of

9 anybody at any particular companies that you

10 dealt with a lot that we need to go see if we 14:26:39

11 can track them down and talk to them?

12 A. I don't.

13 Q. For the big folks that you said

14 that you were remembering, any contact names

15 there? By big folks, I just mean the folks 14:26:53

16 that you remember with some frequency.

17 A. I don't. You know, they would call

18 and say, "Hi. This is Uniroyal. I need a

19 pickup. "Hey, Carol, this is Brett."

20 Q. Right. But these were not people 14:27:21

21 that you got to meet, so they were voices on

22 the phone?

23 A. Right.

24 Q. The other question, I think you

25 said earlier today that primarily the chemicals 14:27:32

1 that you remember folks putting through Obitts

2 and CRS was MEK --

3 A. Methyl ethyl ketone.

4 Q. -- toluene, xylene and acetone, and

5 that you thought that TCE and perhaps dry 14:27:53

6 cleaner chemicals were handled by somebody

7 else, handled off-site?

8 A. Yeah. I don't remember.

9 Trichlorethylene may have been handled by

10 Chemetron. Toluene, xylene, MEK. 14:28:16

11 Q. Do you remember anything else in

12 terms of chemicals that you know for sure one

13 of the CRS entities was handling at the site?

14 A. I'm not a chemist. No.

15 Q. And of Doug's lovely lists, are 14:28:40

16 there any of those companies that you

17 specifically remember as being associated with

18 one of these chemicals; for example, you

19 remember for sure that company A, B and C sent

20 MEK or company XYZ sent xylene, or were there 14:28:57

21 all just solids?

22 A. What I remember is that it was

23 documented on the inventory sheet when the

24 product came in. Jim would write down what it

25 was and how much drums, gallons. 14:29:24

18 Q. So if we were trying to figure out
19 the variability of pricing, drum versus tanker

20 was one variability in pricing? 14:30:26

21 A. Um-hum.

22 Q. Was the nature of the chemical

23 another variability in pricing; do you know?

24 A. Yes.

25 Q. Was there a hierarchy? Was some 14:30:34

1 stuff more valuable or less valuable than

2 others?

3 A. Definitely.

4 Q. Do you remember what that hierarchy

5 was? 14:30:43

6 A. No, I do not.

7 Q. Were there any other variables in

8 the pricing matrix, other than whims and who

9 was being nice to who on any given day?

10 A. Right. 14:30:57

11 I think it was also factored in

12 there what the recovery rate was, so, you know,

13 if it came in and it was 60 percent sludge, you

14 know, they're going to be charged a disposal

15 fee or paid less for their product. 14:31:15

16 Q. So, to your knowledge, was the

17 pricing set before the material came in or

18 after the material arrived or both; there was a

19 price that was set with an expectation it would

20 be a certain quality, but then it was adjusted 14:31:27

21 if it came in different?

22 A. Pretty much there was a price that

23 we'll pay you X amount of dollars for your

24 dirty solvent or we'll just take it off your

25 hands, depending on the agreement with the 14:31:45

1 company and whatever they could get away with,
2 I guess, you know, whatever agreement they
3 struck with that representative of the company.

4 Q. And if there was a notation on an
5 invoice that it involved, quote, unquote, dirty 14:32:01
6 solvent as opposed to invoices that didn't say
7 dirty solvent, would that have meant charge
8 this more or would that have just been, kind
9 of, a variation of sometimes it got on the
10 invoice and sometimes it didn't? 14:32:16

11 A. That could have happened. Normally
12 it would say recycled solvent or reclaimed. I
13 think normally it would say reclaimed solvent.

14 Q. So if it said dirty solvent, that
15 was just -- I'm trying to figure out if that 14:32:29
16 was an indicator that this was worse material,
17 better material or just somebody was using a
18 different word on the invoice that day?

19 MR. NASH: It could be an

20 indication they didn't know exactly what was in 14:32:43

21 it.

22 MS. WHITBY: That could be, too.

23 A. Right. If it were dirty, then we

24 were paying them for their used solvent. If it

25 were recycled that we were selling back to 14:32:51

1 them, it would say, "Reclaimed solvent." I
2 believe there was a sludge disposal fee on some
3 of those invoices. And then there were the
4 companies that we just sold it as reclaimed
5 solvent that didn't send us their dirty. 14:33:20

6 Q. Right, that didn't start with them.

7 A. So it could have been a different
8 price for the same product.

9 Q. And then I think at the end Doug
10 was asking you about tankers versus drums, in 14:33:44
11 part to try to figure out how much was coming
12 from what companies on what transactions.

13 Do you remember specifically what
14 companies -- I know we talked a lot about
15 frequency, but do you remember which companies 14:34:00
16 were sending the most stuff to the site as
17 opposed to the most frequent shipments, just
18 physically the most stuff or a range of the
19 most stuff?

20 A. I remember the drivers going to 14:34:11

21 Uniroyal a lot. I remember them going to

22 Alsides a lot. I remember trips -- if they're

23 going to Kankakee, Illinois, you had to do

24 permits for out-of-state stuff. I remember

25 Fisher Price Toys being relatively frequent. 14:34:42

1 And normally the relatively frequent ones were
2 the larger volumes.

3 Q. Either because they were in tankers
4 or because they were drums but lots of drums?

5 A. Lots of drums. Hauserman. I 14:35:04
6 believe Ball Chemical. Ball Chemical I tend to
7 think of as tanker, but it could have been
8 drums, also. And certainly this recollection
9 isn't, like, complete, so really, without going
10 back and looking page by page at this stuff and 14:35:50
11 studying that inventory list, I don't remember.

12 MS. WHITBY: Okay. Thank you.

13 MR. NASH: Are you all done, Kate?

14 MS. WHITBY: I'm all done.

15 MR. GRAHAM: I have one follow-up 14:36:04
16 on Kate's questions.

17 MR. NASH: Go ahead, David.

18 FURTHER EXAMINATION OF CAROL A. OLIVER

19 BY MR. GRAHAM:

20 Q. In those days people used Rolodexes 14:36:10

21 rather than a contact list and computers. Did

22 you all have a Rolodex of all the company

23 clients?

24 A. Yes, I did. There was a Rolodex.

25 Q. And that's where the names -- was 14:36:26

1 that where the names of the company contacts

2 were?

3 A. Right. Yes. That spinny thing on

4 the desk, yeah.

5 MR. GRAHAM: We don't have that 14:36:42

6 Rolodex?

7 MR. NASH: No.

8 Q. Did you keep any souvenirs from

9 that?

10 A. No, can't say that I did. I really 14:36:53

11 thought when I left there I was done with it.

12 What was I thinking?

13 Q. Another question.

14 When companies were charged an

15 amount for their solvent, was there a separate 14:37:03

16 charge specifically for sludge disposal? In

17 other words, did you charge both for recycling

18 and sludge disposal so they would have two

19 bills, or if there's a charge for sludge

20 disposal, does that mean -- I'm just trying to 14:37:28

21 figure this out. Some of these places in the

22 record shows an amount charged and it shows

23 sludge disposal separately. I was trying to

24 figure out whether --

25 A. Yeah. We tried to figure that out, 14:37:39

1 too. There's no consistency there. Sometimes
2 they would charge for sludge disposal if we
3 went and picked up their stuff. Sometimes we
4 would pick it up and not charge them.

5 Sometimes we would pick them -- you know, just 14:37:56
6 take it off their hands for them. Sometimes if
7 we had a market for it, then they would be
8 willing to pay XYZ company 15 cents a gallon
9 for it, or whatever the dollar amount was, they
10 would reimburse them for it. On some of the 14:38:16
11 companies that we recycled their stuff, there
12 would be a disposal fee.

13 Q. And what happened to -- did you
14 recycle the sludge or did you send it to
15 somebody for disposal? 14:38:33

16 A. It was sent to Ross Industrial
17 Disposal.

18 Q. I see.

19 So it's not clear, then, if I'm

20 interpreting correctly. If you've got charges 14:38:46

21 and you have a sludge disposal quantity, it's

22 not necessarily clear whether the charge is all

23 for quantity or if it included sludge disposal?

24 A. Ross would send tankers in and pump

25 the sludge out of the still. 14:39:05

1 Q. Oh, I see.

2 A. Or we would send drums of sludge
3 out there. They'd come pick up drums, you
4 know, a van load of drums of sludge.

5 Q. So the sludge disposal cost could 14:39:21
6 be Ross' invoice coming back to CRS?

7 A. Yes, absolutely.

8 MR. NASH: I want to jump up in
9 here to clear up some points that I was going
10 to ask some follow-up on Kate's questions 14:39:38
11 myself.

12 FURTHER EXAMINATION OF CAROL A. OLIVER

13 BY MR. NASH:

14 Q. I've looked at a lot of these old
15 accounting records over the years and they do 14:39:43
16 have some specific line item charges, sometimes
17 in the accounts payable ledgers or the purchase
18 journals, sometimes in the accounts receivable
19 side of things, and I wanted to ask you this.

20 I've assumed, and it sounded to me when you 14:40:01

21 were testifying as you were making the same

22 assumption, that whenever we see a line item

23 scrap solvent for reclamation, that that's an

24 indication that this is an incoming shipment of

25 solvent, dirty solvent, picked up by the CRS 14:40:17

1 trucks for which they paid the company that
2 supplied the dirty solvent. That one seems
3 fairly straight up. Is that right?

4 A. I'm sorry. Would you repeat that?

5 Q. When you see line item number 11, 14:40:31

6 the scrap solvent for reclamation, is that a
7 fair indication that that transaction
8 represented a shipment of dirty solvent coming
9 into the site from the company referenced in
10 the left-hand column? 14:40:47

11 A. Yes.

12 Q. I thought so.

13 And we were a little more uncertain
14 what to do with two kinds of charges, the drum
15 charges and the sludge disposal charges. It 14:40:53
16 sounds, from what you were telling Kate and
17 what you were telling David, that while you may
18 not have been systematic or regular about it,
19 in some cases at least you added the sludge

20 disposal fee and charged it to the company 14:41:10

21 whose stuff you were reclaiming. Maybe in some

22 cases when Ross vacuumed out the still -- lots

23 of stuff has been through that still, but maybe

24 in Jim Jackson's records, when he was jotting

25 down what came in, how many drums, how many 14:41:27

1 gallons, what stuff was in the drums or in the
2 tanker, which I gather he did, keeping the
3 inventory as it came on -- maybe he noted that
4 this load was -- you know, four-fifths of the
5 drum was full of solids and you better charge 14:41:41
6 them a sludge disposal fee. What I want to ask
7 is: Is it fair to assume that when we see that
8 sludge disposal fee charged to a specific
9 company, that's an indication that that company
10 sent dirty solvent to the site? 14:41:55

11 A. Yes.

12 Q. Otherwise, you wouldn't be charging
13 them a sludge disposal fee, correct?

14 A. Correct.

15 Q. That's what I thought.

16 Now, with the drum charges, is it
17 more likely than not that those drum charges
18 are being charged to the company whose line
19 they appear in because you had to supply a drum

20 for a solvent they were purchasing? 14:42:11

21 A. Yes.

22 Q. I just wanted to make sure I was

23 interpreting those charges correctly. If

24 there's anything more that occurs to you to say

25 on that, go ahead. 14:42:25

1 A. I couldn't tell you specific
2 companies, but I believe there were companies
3 that we would pick it up in a tanker, dirty
4 solvent in a dirty tanker, and ship it back to
5 them in 55-gallon drums. 14:42:42

6 Q. And then you would charge them for
7 the drums?

8 A. Then we would charge the customer
9 for the drum.

10 Q. In either case, somebody who was 14:42:49
11 getting reclaimed solvent was getting charged
12 for the drums it was in. So when I say a drum
13 charge, that doesn't necessarily mean it was
14 going to somebody who didn't send the solvent.
15 It might be going back to somebody who sent the 14:43:00
16 solvent in a tanker and you're sending it back
17 in drums and charging for the drums. That's
18 understandable. Okay.

19 A. Correct.

20 Q. Good. Good. 14:43:05

21 MR. NASH: Did you have another

22 question you wanted to ask?

23 MR. McWILLIAMS: Yes.

24 FURTHER EXAMINATION OF CAROL A. OLIVER

25 BY MR. MCWILLIAMS: 14:43:20

1 Q. Do you associate American Marietta

2 in Kankakee, Illinois as a CRS customer?

3 A. American Marietta? I don't

4 remember who was in Kankakee, Illinois. I know

5 the truck went to Kankakee. It very likely 14:43:49

6 could have been it, but without seeing

7 documentation, I don't know.

8 Q. Do you recall if ownership changed

9 for the company that you serviced from

10 Kankakee, Illinois during your years at the CRS 14:44:19

11 site?

12 A. I don't recall.

13 Q. You mentioned that you recall

14 Kankakee, Illinois in part because you had to

15 fill out special paperwork for interstate 14:44:41

16 travel; is that right?

17 A. Yes.

18 Q. What was the nature of that

19 paperwork?

20 MR. NASH: I think she explained 14:44:48

21 that in the context of Kentucky.

22 A. You'd have to order permits to

23 drive in certain states. If you don't have a

24 permit, you can't go in the state. In other

25 states you have to report the amount of travel, 14:45:07

1 the amount of miles traveled, so you need what
2 point -- where are you going. You have to give
3 them a route.

4 Q. Does that include the name of the
5 customer? 14:45:27

6 A. I don't -- I don't remember.

7 MR. McWILLIAMS: I have nothing
8 further.

9 Does anyone on the phone have any
10 questions for the witness? 14:45:45

11 MS. SHUMWAY: Not me.

12 MR. WALLE: Not General Motors.

13 MR. NAKON: I have just one.

14 FURTHER EXAMINATION OF CAROL A. OLIVER

15 BY MR. NAKON: 14:45:55

16 Q. We talked mostly here about you
17 sending your trucks out to facilities. Was
18 there anybody who shipped solvent in in their
19 own trucks? Did anything make it on site by

20 way of being delivered by the customer or being 14:46:13

21 picked up by the customer?

22 A. That was not the norm. I won't say

23 it never happened, but I don't remember other

24 trucks coming in. I remember Ross Disposal

25 coming in and pumping the sludge. 14:46:39

1 Q. But they're not delivering, they're
2 taking, correct?

3 A. Right.

4 I remember Chemical Recovery of
5 Michigan bringing tankers in. 14:46:50

6 Q. What was that for?

7 A. It could have been to process
8 industrial solvents, some sort of solvent from
9 somewhere. If they had either too much and we
10 had a customer that needed a particular 14:47:09
11 product, and they had it in their inventory,
12 they might bring it down to us. I don't know
13 if it was recycled or dirty when they brought
14 it. I don't remember another company coming in
15 and pumping material off. 14:47:39

16 MR. NAKON: Thank you.

17 FURTHER EXAMINATION OF CAROL A. OLIVER

18 BY MR. MCWILLIAMS:

19 Q. One follow-up.

20 Did you observe the process where 14:47:50

21 Ross pumps out the still bottoms or sludge?

22 A. I remember the truck backing in.

23 Q. Did you ever observe any sludge

24 material left on the ground after Ross'

25 operation? 14:48:11

1 A. (Witness shaking head negatively.)

2 Q. You have to answer verbally.

3 A. No. I'm sorry. No. I don't

4 recall that. I didn't -- I don't know. I may

5 have been down to the stills one time. It's 14:48:30

6 not a place that I wanted to go.

7 MR. NASH: No. Nobody would really

8 want to hang out there, would they?

9 THE WITNESS: No. It was pretty

10 nasty. 14:48:46

11 A. I remember walking the grounds

12 maybe twice in ten years, nine years, whatever

13 it was.

14 Q. Did Ross ever leave a tanker on

15 site that would accumulate material or was he 14:49:02

16 in and out?

17 A. I don't remember. It seems like

18 they may have dropped one and then we'd fill

19 it, but honestly, I don't remember.

20 MR. McWILLIAMS: Okay. 14:49:23

21

22

23 (Deposition concluded.)

24

25

CERTIFICATE

The State of Ohio,)

) SS:

County of Cuyahoga.)

I, Renee L. Pellegrino, an RPR and

Notary Public within and for the State of Ohio,

duly commissioned and qualified, do hereby

certify that the within named witness, CAROL A.

OLIVER, was by me first duly sworn to testify

the truth, the whole truth and nothing but the

truth in the cause aforesaid; that the

testimony then given by the above-referenced

witness was by me reduced to stenotypy in the

presence of said witness; afterwards

transcribed, and that the foregoing is a true

and correct transcription of the testimony so

given by the above-referenced witness.

20 I do further certify that this
21 deposition was taken at the time and place in
22 the foregoing caption specified and was
23 completed without adjournment.

24

25

1 I do further certify that I am not
2 a relative, counsel or attorney for either
3 party, or otherwise interested in the event of
4 this action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this day of
8 , 2008.

9

10

11

12

13

14 Renee L. Pellegrino, Notary Public

15 Within and for the State of Ohio

16

17 My commission expires April 24, 2010.

18

19

20

21

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24

25

1 SIGNATURE OF WITNESS

2

3

4

5

6 The deposition of CAROL A.

7 OLIVER, taken in the matter, on the date, and

8 at the time and place set out on the title page

9 hereof.

10 It was requested that the

11 deposition be taken by the reporter and that

12 same be reduced to typewritten form.

13 It was agreed by and between

14 counsel and the parties that the Deponent will

15 read and sign the transcript of said

16 deposition.

17

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19

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25

1 AFFIDAVIT

2 The State of Ohio)

3) SS:

4 County of Cuyahoga)

5 Before me, a Notary Public in and

6 for said County and State, personally appeared

7 CAROL A. OLIVER, who acknowledged that he/she

8 did read his/her transcript in the

9 above-captioned matter, listed any necessary

10 corrections on the accompanying errata sheet,

11 and did sign the foregoing sworn statement and

12 that the same is his/her free act and deed.

13 In the TESTIMONY WHEREOF, I have

14 hereunto affixed my name and official seal at

15 this_____day of _____ A.D

16 2008.

17

18

19 _____

20 Notary Public

21

22

23 _____

24 My Commission Expires:

25

1 DEPOSITION ERRATA SHEET

2

3 RE: IN THE MATTER OF THE CHEMICAL

4 RECOVERY SYSTEMS SUPERFUND SITE,

5 ELYRIA, OHIO

6

7 Job No. 13497 - RLP

8 Deponent: CAROL A. OLIVER

9 Deposition Date: MAY 6, 2008

10

11 To the Reporter:

12 I have read the entire transcript

13 of my Deposition taken in the captioned matter

14 or the same has been read to me. I request

15 that the following changes be entered upon the

16 record for the reasons indicated. I have

17 signed my name to the Errata Sheet and the

18 appropriate Certificate and authorize you to

19 attach both to the original transcript.

20

21

22

23

24

25

CAROL A. OLIVER